

Message

From: White, Katrina [White.Katrina@epa.gov]
Sent: 3/2/2018 2:49:23 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]; Panger, Melissa [Panger.Melissa@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Eckel, William [Eckel.William@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Donovan, Elizabeth [Donovan.Elizabeth@epa.gov]; Holmes, Jean [Holmes.Jean@epa.gov]; Harwood, Douglas [harwood.douglas@epa.gov]; Mastrota, Nicholas [Mastrota.Nicholas@epa.gov]; Blankinship, Amy [Blankinship.Amy@epa.gov]; Lin, James [lin.james@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]
CC: Wendel, Christina [Wendel.Christina@epa.gov]; Harwood, Douglas [harwood.douglas@epa.gov]; Mastrota, Nicholas [Mastrota.Nicholas@epa.gov]; White, Katrina [White.Katrina@epa.gov]
Subject: FW: Notes from ESA use workshop attached and final charge
Attachments: ESAworkshopNotes2-26-18.docx

I updated the notes based on comments from Kris Garber indicating the following was most likely: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Katrina White
Senior Fate Scientist
Environmental Risk Branch IV
Environmental Fate & Effects Division

703-308-4536
White.katrina@epa.gov

From: White, Katrina
Sent: Wednesday, February 28, 2018 3:11 PM
To: Wendel, Christina <Wendel.Christina@epa.gov>; Harwood, Douglas <harwood.douglas@epa.gov>; Mastrota, Nicholas <Mastrota.Nicholas@epa.gov>
Subject: FW: Notes from ESA use workshop attached and final charge

Katrina White
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White.katrina@epa.gov

From: White, Katrina

Sent: Tuesday, February 27, 2018 11:13 AM

To: Anderson, Brian <Anderson.Brian@epa.gov>; Panger, Melissa <Panger.Melissa@epa.gov>; Garber, Kristina <Garber.Kristina@epa.gov>; Rossmeisl, Colleen <Rossmeisl.Colleen@epa.gov>; Connolly, Jennifer <Connolly.Jennifer@epa.gov>; Lennartz, Steven <Lennartz.Steven@epa.gov>; Eckel, William <Eckel.William@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Donovan, Elizabeth <Donovan.Elizabeth@epa.gov>

Cc: Holmes, Jean <Holmes.Jean@epa.gov>; Harwood, Douglas <harwood.douglas@epa.gov>; Mastrota, Nicholas <Mastrota.Nicholas@epa.gov>; Blankinship, Amy <Blankinship.Amy@epa.gov>; Lin, James <lin.james@epa.gov>; Perry, Tracy <Perry.Tracy@epa.gov>

Subject: Notes from ESA use workshop attached and final charge

Attached are notes from the ESA workshop and the final charge below. Please pass this on to anyone I missed, who should receive these. Chuck's shorter version of the notes are at the bottom of the document.

PESTICIDE USAGE WORK GROUP (2/26/18)

Form working group with decision-makers and experts from each agency to find a path forward; decisions will be elevated to the policy team members as needed.

Team members and a team lead will be identified by this Thursday.

Check in on methodologies and next steps in 2 weeks.

EPA will provide the malathion agricultural and non-agricultural usage report by March 31.

CHARGE:

Deliberative Process / Ex. 5

Katrina White
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Environmental Risk Branch IV
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Message

From: Garber, Kristina [Garber.Kristina@epa.gov]
Sent: 3/14/2018 3:46:23 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]; Panger, Melissa [Panger.Melissa@epa.gov]; Wendel, Christina [Wendel.Christina@epa.gov]; White, Katrina [White.Katrina@epa.gov]; Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]; Blankinship, Amy [Blankinship.Amy@epa.gov]; Kanarek, Andrew [Kanarek.Andrew@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Harwood, Douglas [harwood.douglas@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Donovan, Elizabeth [Donovan.Elizabeth@epa.gov]; Eckel, William [Eckel.William@epa.gov]
Subject: FW: FWS's Action Item from March 13 Usage Working Group Meeting
Attachments: Use of usage data_Feb 26 usage meeting_for dist (1).pptx; use of usage data slides_notes_FWS.docx; Usage Data.xlsx

Here are the materials from FWS. The homework for the usage workgroup is to

- 1) Add usage sources to the attached excel spreadsheet (BEAD is the lead)
- 2) Compare the FWS method to ours (see PPT and word doc).

If you have anything to add to the comments provided by bill and I about item #2, please let me know.

From: Shultz, Gina [mailto:gina_shultz@fws.gov]
Sent: Tuesday, March 13, 2018 6:33 PM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>; elizabeth.hill2@ars.usda.gov; Paisley-Jones, Claire <Paisley-Jones.Claire@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; tony.hawkes@noaa.gov; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Garber, Kristina <Garber.Kristina@epa.gov>; cathy.tortorici@noaa.gov; George Noguchi <george_noguchi@fws.gov>; Kunickis, Sheryl <Sheryl.Kunickis@osec.usda.gov>; T. Clem <teung.chin@ars.usda.gov>; Nancy Golden <nancy_golden@fws.gov>; Ashley Stilson <ashley_stilson@fws.gov>; david epstein <David.Epstein@ARS.USDA.GOV>
Subject: FWS's Action Item from March 13 Usage Working Group Meeting

At today's meeting FWS agreed to provide the attached slide deck and notes on use of usage data and risk analysis and the usage data spread sheet that we started.

Gina Shultz
Deputy Assistant Director, Ecological Services
U.S. Fish and Wildlife Service
MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-1985

Data Name	Data Developer	License Owner	Explanation	What does this data include?	What does this data not include?	Link	Data Format	Agency to Investigate/Gather these Data (EPA, USDA, FWS, NMFS)	Agriculture	Managed Forests	Developed (e.g. residential, commercial)	Open space developed (e.g. parks)	Rangeland	Right of way	Golf courses	Mosquito control
Currently Known Data Sources																
Census of Agriculture	USDA/NASS	publicly available	Every 5 years	Operations that produce >\$1000 of commodity in a survey year, acres of crops grown per year, per state, and per county	does not report any pesticide usage information	https://www.agcensus.usda.gov/			X							
Agricultural Chemical Use Survey	USDA/NASS	publicly available	Approximately every other year	90 use sites, 42 states, 731 AIs		https://www.nass.usda.gov/Surveys/Guide_to_NASS_Surveys/Chemical_Use/			X							
CA Usage (PUR)	CADPR	publicly available	pesticide usage for each square mile section of California.	agricultural use includes parks, golf courses, cemeteries, rangeland, pastures, and along roadside and railroad rights-of-way		http://www.cdpr.ca.gov/docs/pur/purmain.htm			X					X	X	
National Water-Quality Assessment (NAWQA) Project	USGS	USGS; publicly available	data includes pesticide detections	water quality data		https://water.usgs.gov/nawqa/										
Other EPA Data Sources																
Agricultural Usage	Kynetec (proprietary)	EPA, USDA	Market research report		Not all states are surveyed, Not all crops are surveyed				X							
Non-Agricultural Usage	Kline (proprietary)	EPA	Market research report	consumer, turf, pro. pest management, vegetation management, mosquito control, managed forest, developed, open space developed, Christmas tree, nursery	National level data (regional available for some studies)		narrative			X	X	X			X	X
Other Potential Data Sources																
Registrants (Applicants)																
NY Pesticide Usage	NYSDEC	publicly available		Usage is reported by ZIP code.	Data are not reported by active ingredient. Department and Cornell have developed a mechanism for displaying active ingredient summaries for those products being reported. Only 2003, 2004, 2005 data currently available.	http://ai.psur.cornell.edu/			X							
Vector (Mosquito) Control Districts	State, County, Municipal Mosquito Control Districts	State governments (varies?)	Certified Commercial Applicators, Technicians, Aquatic Anti-Fouling Paint Applicators and Commercial Permittees (including Importers, Manufacturers and Compounders) are required to submit the annual pesticide usage reports. Reporting of pesticide usage for control of adult mosquitoes within mosquito control districts throughout the US	varies from state to state, may include the district, county, pesticide type, gallons or pounds used, and acreage	location of acreage applied (excluding CA data), when applied, data for every year		report									X
Specific Crop Usage	Crop Associations (TBD)															
State and County Usage	State/County Agriculture Extension Offices								X							
Managed Forest Usage	USFS Regional offices (Region 5 example in link)	USDA/USFS	Pesticide Use Report on National Forest System Lands	pesticide active ingredient, purpose of the use, number of acres applied to, rate applied, year it was applied	Not surveyed every year nationally, may not be available in every Forest Service Region, most information is state or national level	https://www.fs.usda.gov/detail/r5/forest-grasslandhealth/?cid=fsbdev3_046692	report			X						
Managed Forest Usage	State Forest Agencies									X						
Managed Forest Usage	National Alliance of Forests									X						
Golf Course Usage	Association of Golf Course Superintendents														X	
Pasture Usage	APHIS												X			
Cattle Ear Tag Usage	Cattle Growers Association															
Right-of-Way Usage	Federal Highway Administration													X		
Right-of-Way Usage	State Departments of Transportation													X		
Nursery Usage	Nursery Growers Associations															
County ag. production data?	Agricultural Extension Programs/Offices						may be professional opinion - qualitative and/or quantitative		X				X			
American Mosquito Control Association																X

National Pollutant Discharge Elimination System (NPDES), Pesticide General Permit (PGP)	EPA	EPA	EPA issued a NPDES Pesticide General Permit (PGP), which covers point source discharges of pesticides in certain areas: Alaska, Idaho, Massachusetts, New Hampshire, New Mexico, and Oklahoma; Washington D.C.; Most U.S. and Indian territories; some federal facilities. It covers pesticide applications where pesticides will be applied into "waters of the U.S." and which fall into certain usage categories, including: Mosquito and other flying insect pest control; Weed and algae control; Animal pest control; Forest canopy pest control.	In addition to following the label directions, the permit requires the applicator to: •Minimize discharges by using Integrated Pest Management (IPM) •Submit a Notice of Intent (NOI) prior to discharge (when applicable) •Demonstrate compliance through written record keeping •Monitor and report adverse incidents to the EPA Regional Office, State Lead Agency and additionally to the National Marine Fisheries Service (NMFS) or United States Fish and Wildlife Service (FWS), when applicable •Comply with additional requirements for those discharging into waters containing National marine Fisheries Service (NMFS) listed resources of concern This is the minimum list of requirements. State-issued permits might include additional steps.	http://www.npic.orst.edu/reg/pgp.html	Notices of Intent (NOIs), permits and permittee annual reports (?); format?		X	X	X	X	X	X	X	X
National Pollutant Discharge Elimination System (NPDES) permits for pesticide applications (individual permits if action does not fall under general permits)	EPA	EPA	The requirement to obtain NPDES permits for point source discharges from pesticide applications to waters of the United States stems from a 2009 decision by the Sixth Circuit Court of Appeals. In its ruling on National Cotton Council, et al. v. EPA, the Court vacated the EPA's 2006 rule which said NPDES permits were not required for discharges of pesticides to waters of the United States for applications of pesticides to, or over, including near such waters when in compliance with the existing label (per the Federal Insecticide, Fungicide, and Rodenticide Act, or "FIFRA"). In its ruling, the Sixth Circuit determined that (1) biological pesticides and (2) chemical pesticides that leave a residue are pollutants as defined under the CWA and as such are subject to regulations applicable to pollutants. Courts have previously determined that applications of pesticides, such as from nozzles of planes and trucks, irrigation equipment, etc. are point sources. As a result of the Sixth Circuit's decision, point source discharges to waters of the United States from the application of pesticides require NPDES permits as of October 31, 2011.		https://www.epa.gov/npdes/pesticide-applications-1#requirePermit	Notices of Intent (NOIs), permits and permittee annual reports (?); format?		X	X	X	X	X	X	X	X
Other data sources per Claire Paisley-Jones: other federal agencies (e.g., BLM), a few states, some crop associations.															
Pesticide use evaluated locally for national forests (no overall clearinghouse) in NEPA/ESA documents; USFWS pesticide use permitting system	USFS, USFWS, other federal agencies		some info. available for pesticide use on public lands												
NJ Pesticide Usage	NJDEP														
Other potential sources of data to support analysis															
Cooperative Agricultural Pest Survey (CAPS) Program	APHIS		The CAPS program conducts science-based national and state surveys targeted at specific exotic plant pests, diseases, and weeds identified as threats to U.S. agriculture and/or the environment. (e.g., monitoring for boll weevil return; malathion use on cotton fields to control the boll weevil)	Tracking and monitoring of pest outbreaks; some pesticide uses are covered in consultations with APHIS	https://www.aphis.usda.gov/aphis/ourfocus/planthealth/pest-detection		X								
Pest Tracker - exotic pest reporting (part of the CAPs Program?)	APHIS, partners														
State extension service recommendations	individual states and counties														

Center for Disease Control reporting and surveillance; ArboNET	Center for Disease Control	CDC	monitors mosquito-related disease outbreaks; has mosquito control guidelines; ArboNET is a national arboviral surveillance system managed by CDC and state health departments (Arboviral disease is a general term used to describe infections caused by a group of viruses spread to people by the bite of infected arthropods such as mosquitoes and ticks.)	data collection and reporting for public health; insecticide resistance reporting		https://www.cdc.gov (see West Nile Virus, Zika, etc.)	statistics, maps and reports									X
Arthropod Pesticide Resistance Database	Insecticide Resistance Action Committee (IRAC, specialist technical group of Crop Life International since 1984)	IRAC; database is housed at Michigan State University	This is a database of reports of resistance cases from 1914 to the present, when the resistance is first discovered for a specific time and place.	Reports of insecticide resistance that can be searched by pesticide active ingredients, pests, country and other fields; USA reports include states (although may not be able to query by state; may only be able to see states listed in USA reports)		https://www.pesticideresistance.org/	database		X	X	X	X	X	X	X	X

Message

From: Anderson, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CE7D6E5AD2E94B3F8F5AC4D839A6C268-BRIAN ANDERSON]
Sent: 2/22/2018 12:48:13 PM
To: Panger, Melissa [Panger.Melissa@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]
CC: Sims, Diann [Sims.Diann@epa.gov]
Subject: RE: BEAD Response to FWS questions regarding usage data

Agree - especially for diazinon, which recently had some severe mitigations and I think cancellation of homeowner products — **Deliberative Process / Ex. 5**

Thanks guys!

Brian

From: Panger, Melissa
Sent: Thursday, February 22, 2018 7:30 AM
To: Garber, Kristina <Garber.Kristina@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Sims, Diann <Sims.Diann@epa.gov>
Subject: RE: BEAD Response to FWS questions regarding usage data

I agree with Kris on her point. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Melissa Panger, Ph.D.
Senior Advisor, ERB2
Environmental Fate and Effects Division
Office of Pesticide Programs
USEPA

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panger.melissa@epa.gov

From: Garber, Kristina
Sent: Thursday, February 22, 2018 7:26 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Panger, Melissa <Panger.Melissa@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>
Subject: Re: BEAD Response to FWS questions regarding usage data

Deliberative Process / Ex. 5

I have some thoughts on revising your response but I'm on the train now. I will send you edits when I have access to my computer.

On Feb 22, 2018, at 7:18 AM, Anderson, Brian <Anderson.Brian@epa.gov> wrote:

Glad you saw that. Diann asked me about that yesterday, I was thinking it was just to address during the call. I didn't think about it in terms of the written response.

So in short- no one right now – but what about the proposed below in yellow?

Deliberative Process / Ex. 5

From: Garber, Kristina

Sent: Thursday, February 22, 2018 6:58 AM

To: Anderson, Brian <Anderson.Brian@epa.gov>

Cc: Panger, Melissa <Panger.Melissa@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>

Subject: Fwd: BEAD Response to FWS questions regarding usage data

Brian,

Who in EFED is working on question 4?

Kris

Begin forwarded message:

From: "Sims, Diann" <Sims.Diann@epa.gov>

Date: February 21, 2018 at 4:21:07 PM EST

To: Patrice Ashfield <patrice_ashfield@fws.gov>

Cc: "Paisley-Jones, Claire" <Paisley-Jones.Claire@epa.gov>, "Becker, Jonathan" <Becker.Jonathan@epa.gov>, "Anderson, Brian" <Anderson.Brian@epa.gov>

Subject: BEAD Response to FWS questions regarding usage data

Hello Patrice,

Thank you for speaking with us earlier today. As agreed, I am sharing our informal response to your data usage questions. We are also providing an update to the example spreadsheet that we provided earlier this morning. I hope that you find the information helpful in preparing for your presentation. If you have additional questions, please do not hesitate to contact me.

Message

From: Anderson, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CE7D6E5AD2E94B3F8F5AC4D839A6C268-BRIAN ANDERSON]
Sent: 2/9/2018 4:37:35 PM
To: Ashfield, Patrice [patrice_ashfield@fws.gov]; Noguchi, George [george_noguchi@fws.gov]; Gina_Shultz@fws.gov [gina_shultz@fws.gov]
CC: Echeverria, Marietta (Echeverria.Marietta@epa.gov) [Echeverria.Marietta@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]
Subject: a few comments on the draft agenda for consideration
Attachments: Draft_AgendaCompareDoc.docx; Draft agenda for pesticide use meeting_2_8_18.docx

Hi,

I'm not sure who has the pen on the agenda, so I'm sending this to a broader group. As we've been getting our pre-work done, it's triggered some thoughts on the agenda, which are attached. A relatively clean copy and a track changes are both included. Most of the edits are in the spirit of trying to get some of the details around how much time do we want to spend on each section, who is presenting, and what are our decision goals for each topic. We also broke out the discussion on ideas of how to incorporate the data into the assessments as a separate section in the agenda.

I'm sure this will continue to evolve over the next couple of weeks.

Please feel free to contact me if you have any questions on any of the suggested edits.

Brian

Message

From: Anderson, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CE7D6E5AD2E94B3F8F5AC4D839A6C268-BRIAN ANDERSON]
Sent: 2/20/2018 10:24:03 PM
To: Ashfield, Patrice [patrice_ashfield@fws.gov]
CC: Sims, Diann [Sims.Diann@epa.gov]
Subject: Draft agenda for pesticide use meeting_2_20_2018 finalBA.docx
Attachments: Draft agenda for pesticide use meeting_2_20_2018 finalBA.docx

Thanks Patrice,

We are getting a little concerned that we are hitting up against the deadline here. We do have some suggestions on the order of the questions.

We especially think that number 1 in the 10:00 slot should either be how the usage data can be compared with the spatial data (which was in the previous version of the agenda) or that the number 5 item (how to apply the usage data) should be moved to number 1. Also, the question on the robustness of the data will be covered I think in the first presentation – so we could move that question out and replace it with the how to compare the data question (as question number 1).

See edits.

I had a couple of other thoughts and questions.

Thanks for the chance to take a look.

Brian

Appointment

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 11/15/2018 6:53:24 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]; Shultz, Gina [gina_shultz@fws.gov]; Panger, Melissa [Panger.Melissa@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Nancy Golden [nancy_golden@fws.gov]; Sims, Diann [Sims.Diann@epa.gov]; sheryl.kunickis@osec.usda.gov; Miller, Wynne [Miller.Wynne@epa.gov]; tony.hawkes@noaa.gov; Becker, Jonathan [Becker.Jonathan@epa.gov]; George Noguchi [george_noguchi@fws.gov]; cathy.tortorici@noaa.gov; ashley_stilson@fws.gov; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; david.baldwin@noaa.gov; elizabeth.hill2@ars.usda.gov; david epstein [David.Epstein@ARS.USDA.GOV]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; sara_omar@ios.doi.gov; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]; Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Suarez, Mark [Suarez.Mark@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Patrice Ashfield [patrice_ashfield@fws.gov]; Ryan DeWitt [ryan.dewitt@noaa.gov]; Thomas Hooper - NOAA Federal [thomas.hooper@noaa.gov]; Kathryn Bissell [kathryn_bissell@fws.gov]; jennifer_thompson@fws.gov; Sara Pollack [sara_pollack@fws.gov]; Leona Laniawe [leona_laniawe@fws.gov]; Keith Paul [keith_paul@fws.gov]; Burk, Rosemary [rosemary_burk@fws.gov]
CC: Hill2, Elizabeth - OCE [Elizabeth.Hill2@OCE.USDA.GOV]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Epstein, David - OCE [David.Epstein@OCE.USDA.GOV]; Chin, Teung - OCE [Teung.Chin@OCE.USDA.GOV]
Subject: Usage Briefing for FWS, EPA, NMFS, and USDA management - Focus on Ag Action Area - Skype Link Added
Attachments: DRAFT Agenda Usage Briefing12.10.docx; Interagency Usage workgroup_12-10-18 briefing_final draftCompiled.pptx
Location: DCRoomPYS10100/Potomac-Yard-One
Start: 12/10/2018 6:00:00 PM
End: 12/10/2018 8:00:00 PM
Show Time As: Busy

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Call in number or webinar information forthcoming

Appointment

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 12/10/2018 4:37:59 PM
To: Shultz, Gina [gina_shultz@fws.gov]; Panger, Melissa [Panger.Melissa@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Nancy Golden [nancy_golden@fws.gov]; Sims, Diann [Sims.Diann@epa.gov]; sheryl.kunickis@osec.usda.gov; Miller, Wynne [Miller.Wynne@epa.gov]; tony.hawkes@noaa.gov; Becker, Jonathan [Becker.Jonathan@epa.gov]; George Noguchi [george_noguchi@fws.gov]; cathy.tortorici@noaa.gov; ashley_stilson@fws.gov; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; david.baldwin@noaa.gov; elizabeth.hill2@ars.usda.gov; david epstein [David.Epstein@ARS.USDA.GOV]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; sara_omar@ios.doi.gov; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]; Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Suarez, Mark [Suarez.Mark@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Patrice Ashfield [patrice_ashfield@fws.gov]; Ryan DeWitt [ryan.dewitt@noaa.gov]; Thomas Hooper - NOAA Federal [thomas.hooper@noaa.gov]; Kathryn Bissell [kathryn_bissell@fws.gov]; jennifer_thompson@fws.gov; Sara Pollack [sara_pollack@fws.gov]; Leona Laniawe [leona_laniawe@fws.gov]; Keith Paul [keith_paul@fws.gov]; Burk, Rosemary [rosemary_burk@fws.gov]
CC: Hill2, Elizabeth - OCE [Elizabeth.Hill2@OCE.USDA.GOV]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Epstein, David - OCE [David.Epstein@OCE.USDA.GOV]
Subject: Usage Briefing for FWS, EPA, NMFS, and USDA management - Focus on Ag Action Area - Skype Link Added
Attachments: DRAFT Agenda Usage Briefing12.10.docx; Interagency Usage workgroup_12-10-18 briefing_final draftCompiled.pptx
Location: DCRoomPYS10100/Potomac-Yard-One
Start: 12/10/2018 6:00:00 PM
End: 12/10/2018 8:00:00 PM
Show Time As: Tentative

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PESTICIDE USAGE MEETING

Overview of Pesticide Usage Data
Sources

**EPA OPP BEAD
CLAIRE PAISLEY-JONES**

The Importance of Pesticide Usage Statistics

- Reflects observed agricultural and non-agricultural practices
- Differentiate between label use and actual usage
 - **Compare** potential and likely risk
 - **Refine** risk assessment
 - **Support** decision making

Who Collects Usage Data?

- **Primary sources**

- US Department of Agriculture (USDA)
- CA Department of Pesticide Registration (CADPR)
- Kynetec
- Kline

- **Other sources**

- Other Federal Agencies
 - e.g. Bureau of Land Management
- Few States
- Some crop associations

Deliberative, for Inter-Agency Discussion

Primary Sources of Usage Data

- **Agricultural**

- USDA National Agricultural Statistics Service (public)
 - Census of Agriculture
 - Agricultural Chemical Usage Reports
- CADPR (public)
- Kynetec (proprietary)

- **Non-agricultural**

- Kline (proprietary)

Deliberative, for Inter-Agency Discussion

Quality Requirements

- **EPA Quality System Policy (CIO 2106.0)**
 - Data of type and quality needed and expected for the intended use
 - Standard is to use the best available data
- **Documented quality assurance procedures**
 - Statistical methodologies
 - Survey design
 - **Credibility, Comparability, Relevance, Completeness**
- **For Reference**
 - USDA National Agricultural Statistics Service (NASS)
 - https://www.nass.usda.gov/Publications/Methodology_and_Data_Quality/index.php
 - CADPR
 - www.cadpr.ca.gov/docs/pwr/pwrmain.htm
 - Proprietary Sources (Kynetec, Kline)
 - Quality Management Plans
 - Statement of Data Quality

Publicly Available Sources

- **USDA NASS**

- Census of Agriculture – Agricultural Chemical Usage Reports (NASS)



Deliberative, for Inter-Agency Discussion

Census of Agriculture

- **Scope:**
 - Complete count of U.S. ag operations
 - Operations that produce >\$1000 of commodity in a survey year
 - Conducted every five years
 - For each operation
 - What is produced
 - Where produced
 - How much produced
 - Some information about production practices
- **Strengths:**
 - Authoritative source of crop production info in the US
 - Uniform, comprehensive, impartial

Deliberative, for Inter-Agency Discussion

7



Agricultural Chemical Use Survey (NASS)

- **Scope:**
 - 90 Use Sites
 - 42 States
 - 731 Als
- **Program state selection:**
 - Ensure $\geq 80\%$ coverage of target commodity acreage
 - Top-producing states, to minimize the total number of states selected.
- **Reporting:**
 - Approximately every other year (depending on study)
 - At program state level
 - Aggregated across all program states

Deliberative, for Inter-Agency Discussion



Strengths of NASS Data

- Widely recognized source of statistics about on-farm chemical use and pest management practices
- Used as a standard to help validate data from other sources
- Crops only surveyed by NASS on the national level
 - *blueberries, eggplant, honeydew, oats, and specific caneberries (blackberries and raspberries)*

CADPR Pesticide Usage Reporting System

- **Scope:**
 - Complete reporting from
 - Agricultural applicators
 - Professional pesticide applicators
 - All AIs used
 - All use sites treated
- **Reporting:**
 - Reported to DPR system on a continuous cycle
 - Published annually

Strengths of CADPR Data

- The full use reporting program =
 - Comprehensive state usage data
- Many crops grown almost exclusively in CA =
 - Comprehensive crop usage data
- Includes data on very small acreage crops
 - Can be only source of info for these crops
 - e.g. Napa Cabbage, Bok Choy, Daikon, etc.
- Supports comparability evaluation of other data sources

Proprietary Data Sources

- **Kynetec**



Deliberative, for Inter-Agency Discussion

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Kynetec Survey

- **Scope:**
 - Cover 60 unique crops
 - Herbicides –60 crops
 - Insecticides - 57 crops
 - Fungicides - 53 crops
 - Nematicides - 45 crops
 - Growth Regulators - 11 crops
 - Reports usage for 389 AIs
- **States:**
 - 45 States surveyed for one or more crops
 - Target approx. 95% coverage of row crop acreage
 - Target approx. 80% coverage of specialty crop acreage
- **Reporting:**
 - Surveys conducted annually
 - Published annually

Strengths of Kynetec Data

- Covers:
 - Majority of agricultural production
 - Highest acreage states for each crop
 - Only source for pest specific information
- Comprehensive database:
 - Can be dynamically analyzed/aggregated
 - Allows for easy data exploration

Non-Agricultural Data

- Kline

eKline

Kline Survey

- **Scope:**
 - Non-ag market sector information
 - Combo of structured survey and unstructured expert interviews
 - e.g. consumer, turf, pro. pest management, vegetation management, mosquito control, etc.
- **Location selection:**
 - Sampling frame influenced by market size and share information
- **Reporting**
 - Conducted approx. every other year
 - (dependent on market demand)
 - National level
 - Regional available for some studies

Strengths of Kline Data

- **Our only source of non-agricultural data**
- Narrative descriptions of data
- Studies go back many years

Limitations of Available Usage Data

- **There's no such thing as perfect data**

- Not all crops are covered (e.g. some minor crops, sugarcane)
- Not all states are covered (e.g. small market states)
- Not all methods are included
 - e.g. we no longer have information for seed treatment
- Reporting parameters may differ between sources
- Survey frequency can be sporadic for some use sites

These limitations do not affect the quality of the data that we have. The majority of uses are included in one or more of our usage sources!



Questions?

Deliberative, for Inter-Agency Discussion

19

Message

From: Miller, Wynne [Miller.Wynne@epa.gov]
Sent: 4/27/2018 4:11:57 PM
To: Shultz, Gina [gina_shultz@fws.gov]; Nancy Golden [nancy_golden@fws.gov]; sheryl.kunickis@osec.usda.gov; tony.hawkes@noaa.gov; George Noguchi [george_noguchi@fws.gov]; cathy.tortorici@noaa.gov; clayton.myers@ars.usda.gov; ashley_stilson@fws.gov; david.baldwin@noaa.gov; elizabeth.hill2@ars.usda.gov; david.epstein [David.Epstein@ARS.USDA.GOV]; sara_omar@ios.doi.gov
CC: Garber, Kristina [Garber.Kristina@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]
Subject: Tasks and Timeline for the Malathion Charge
Attachments: milestones_timeline_interagency_usage_4-27-18.docx

Hi All,

Our EPA team developed the “draft” tasks and timeline for next Tuesday’s meeting. We can discuss and see if others have suggestions for improvement before we finalize. A couple notes about the tasks/timeline.

- The dates in the timeline are “tentative” and a lot depends on (a) whether we decide to complete all of these tasks and (b) how discussions proceed regarding the acceptance of the information/data/methodology.
- We have tentatively listed a lead office but can talk about who else might need to be involved and whether the task needs a subgroup or not.

Looking forward to our discussion next week.
Have a great weekend!!

Wynne Miller, Director
Biological and Economic Analysis Division (BEAD)
Office of Pesticide Programs (OPP)
Office of Chemical Safety and Pollution Prevention (OCSPP)
(Phone) 703-308-8111
(Fax) 703-308-8091
Mail code 7503P
Room # PY S9724

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 5/11/2018 7:20:54 PM
To: Shultz, Gina [gina_shultz@fws.gov]; cathy.tortorici@noaa.gov; Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]
CC: Miller, Wynne [Miller.Wynne@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]
Subject: updated Usage Workgroup Timeline
Attachments: milestones_timeline_interagency_usage_5_9_18b_wfm_me.docx; milestones_timeline_interagency_usage_05112018 clean.docx

Happy Friday!

Attached is the updated Usage Workgroup Timeline based on the comments received and the discussion we had this past Tuesday. I have included a "track changes" version with comment bubbles etc as well as a clean version for your review. We can discuss any additional comments on Tuesday.

Have a great weekend!

Marietta

OP Pesticide Consultation Meeting - April 19, 2018

Name	Organization	Email	Phone #
Gina Shultz	FWS	gina.shultz@fws.gov	703-358-1985
Patrice Ashfield	FWS	Patrice_Ashfield@fws.gov	-2478
Nancy Golden	FWS	Nancy_Golden@fws.gov	-2077
George Noguchi	FWS	george_noguchi@fws.gov	-1857
George Oliver	Corteva	groliver@dow.com	317-337-4923
Steven Richardson	Wiley	SRichard@wiley.com	(202) 744-7489
Dawn Weinberg	"	dweinberg@wiley.com	719 7102
Pat Havens	Dow/DuPont	phavens@dow.com	317 337 3465
Al Barefoot	FMC	aldos.barefoot@fmc.com	302 451-5956
Paul Whotling	FMC	paul.whotling@fmc.com	703 373 8885
Nancy Brown-Kobil	DOI-SOL	nancy.brown-Kobil@sol.doi.gov	202-508-6474
Shawn Finley	DOI-SOL	Shawn.finley@sol.doi.gov	202-208-3972
Patrice Ashfield	FWS	patrice.ashfield@fws.gov	703 358 2478
Yu-Ting Guilaran	EPA/OPP	Guilaran.Yu-Ting@EPA.Gov	703 308 0052
Wynne Miller	EPA/OPP	miller.wynne@epa.gov	703-308-8111
Maricela Echeverria	EPA/OPP	echeverria.maricela@epa.gov	703-305-8578
Diann Sims	EPA/OPP	Sims.diann@epa.gov	703-308-8129
Tracy Perry	EPA/OPP/PRO	perry.tracy@epa.gov	703-308-0128
Jonathan Becker	EPA/OPP/BEAD	becker.jonathan@epa.gov	703-308-9434
Ashley Stilson	FWS	ashley-stilson@fws.gov	703 358 2312
(phone) Laura Phelps	Adama	laura.phelps@us-adama.com	919-256-9329

Meeting Summary

Fish and Wildlife Service (FWS) and Environmental Protection Agency (EPA)

Meeting with Representative Applicants for Malathion, Diazinon, and Chlorpyrifos

April 19, 2018

On April 19, 2018, FWS and EPA met with representative applicants (i.e., technical registrants) for the organophosphate (OP) pesticides malathion, diazinon, and chlorpyrifos. FWS provided a brief overview of the role of applicants in Endangered Species Act (ESA) section 7 consultations, including the right to review and comment on draft biological opinions. FWS also updated applicants on the status of EPA's consultation with FWS on these pesticides. FWS has asked EPA for additional use and usage information for these pesticides in an effort to determine where they are likely to be used. Applicants provided a handout (attached) describing the types of available use/usage information and refine the exposure portion of the ESA assessment for these pesticides. Applicants proposed that several additional meetings be held to discuss: a) agricultural uses; b) non-agricultural uses; 3) field applications and methods.

Attachments:

- Agenda
- Participant list
- Pesticide Use and Usage Data (registrant handout)

Message

From: Panger, Melissa [Panger.Melissa@epa.gov]
Sent: 8/1/2018 1:34:10 PM
To: Nancy Golden [nancy_golden@fws.gov]; Bergeson, Mitch T [mitch_bergeson@fws.gov]; elizabeth.hill2@ars.usda.gov; tony.hawkes@noaa.gov; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; thomas.hooper@noaa.gov
Subject: Inter-agency ESA Usage Methodology Meetings
Attachments: milestones_timeline_interagency_usage_5-30-18_final .docx

Hi All,

We are going to start up weekly meetings for the Inter-Agency ESA Usage Methodology Workgroup – your names were put forward by your management to participate in the workgroup. I just sent out the meeting invite – hopefully the time works for everyone (please let me know if not). Also, please let me know if anybody else from your agencies should be added to the invite.

This workgroup will tackle task 10 of the Inter-Agency Usage Workgroup milestones (see attached). We will be responsible for developing the methodology to determine where malathion is likely and not likely used – starting with three pilot states (FL, CA, and HI) and then moving to the entire country. I'll send out an agenda prior to the meeting next week.

Let me know if you have any questions or comments.

Thanks,
Melissa

Melissa Panger, Ph.D.
Senior Advisor, ERB2
Environmental Fate and Effects Division
Office of Pesticide Programs
USEPA

703-305-6136
panger.melissa@epa.gov

Message

From: Tony Hawkes - NOAA Federal [tony.hawkes@noaa.gov]
Sent: 12/3/2018 11:13:41 PM
To: Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]
CC: Panger, Melissa [Panger.Melissa@epa.gov]; Patrice Ashfield [patrice_ashfield@fws.gov]; Anderson, Brian [Anderson.Brian@epa.gov]; Nancy Golden [nancy_golden@fws.gov]; Sims, Diann [Sims.Diann@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Myers, Clayton - ARS [clayton.myers@ars.usda.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; David Baldwin [david.baldwin@noaa.gov]; Hill2, Elizabeth - ARS [elizabeth.hill2@ars.usda.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Suarez, Mark [Suarez.Mark@epa.gov]; Ryan DeWitt [ryan.dewitt@noaa.gov]; Thomas Hooper - NOAA Federal [thomas.hooper@noaa.gov]; Kathryn Bissell [kathryn_bissell@fws.gov]; jennifer_thompson@fws.gov; Garber, Kristina [Garber.Kristina@epa.gov]; Andrew Raabe [andrew_raabe@fws.gov]; Sara Pollack [sara_pollack@fws.gov]; Leona Laniawe [leona_laniawe@fws.gov]; Keith Paul [keith_paul@fws.gov]; Burk, Rosemary [rosemary_burk@fws.gov]; Hill2, Elizabeth - OCE [Elizabeth.Hill2@oce.usda.gov]; cathy.tortorici@noaa.gov
Subject: Briefing managers on status of usage workgroup activities
Attachments: Interagency Usage workgroup_12-10-18 briefing_draft1_NMFS edits.pptx

Thanks to EPA for generating the draft presentation for the upcoming meeting with our managers to discuss our current status. In general, we feel the draft PowerPoint does a good job outlining some of the discussions but implies a greater degree of agreement than is accurate and does not fully represent the ideas and concerns expressed by other agencies. We suggest restructuring the presentation a bit to address these concerns (See attached, NMFS recommendations in blue text).

Message

From: Miller, Wynne [Miller.Wynne@epa.gov]
Sent: 6/21/2018 12:22:05 PM
To: Sims, Diann [Sims.Diann@epa.gov]; Hill2, Elizabeth - ARS [Elizabeth.Hill2@ARS.USDA.GOV]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]
Subject: FWS wants to help on the Hawaii
Attachments: milestones_timeline_interagency_usage_5-30-18_final .docx

Hi Diann and Izzy,

I just wanted to check. Which Agency had the lead with investigating getting Hawaii data (Task 6). We had USDA, EPA listed but I can't recall who had the lead or if we are doing it together? FWS (someone named Leona??) wants to help and apparently sent a Google to schedule a meeting to you all. Do you have something from her (an email or google). Can you please coordinate with her?

Thx

Wynne

Message

From: Miller, Wynne [Miller.Wynne@epa.gov]
Sent: 7/25/2018 6:23:43 PM
To: Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]
Subject: RE: send to FWS?: Use/usage comments on the BEs

Agree .. **Deliberative Process / Ex. 5**

From: Guilaran, Yu-Ting
Sent: Wednesday, July 25, 2018 1:04 PM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>
Subject: RE: send to FWS?: Use/usage comments on the BEs

Thanks Tracy. I **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Marietta/Wynne?

Regards,

Yu-Ting Guilaran, P.E.
Director

Pesticide Re-evaluation Division (PRD)
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
(tel) 703 308 0052
(fax) 703 308 8005
Mail code 7508P
Room number PY S9623

From: Perry, Tracy
Sent: Monday, July 23, 2018 9:17 AM
To: Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>
Subject: send to FWS?: Use/usage comments on the BEs

Yu-Ting,

I will not be on the managers call on Thursday. We said on the call last week that I would report out on the comments from the OP BEs – whether there was any useful information regarding usage.

I propose that I send the attached table with the links to public comments in the BE docket to FWS (and NMFS?). I can also send the second attachment (one of the attachments to the first comment in the table) – since that one appears to be the most useful (the mosquito subgroup is looking at it now).

Other commenters provided information that may be duplicative of other sources in the catalogue. For example, the American Farm Bureau (3rd link in attached table) provided information such as acres treated and pounds used in CA (from CDPR data and proprietary sources).

Other submissions may provide information the Services would likely find valuable (from a qualitative point of view) or provide a contact for more information. The Western Integrated Pest Management Center (9th comment in table) commented that diazinon is used in Hawaii (pineapple) and Guam (variety of crops).

-Tracy

From: Perry, Tracy
Sent: Monday, April 09, 2018 5:38 PM
To: Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>
Cc: Miller, Wynne <Miller.Wynne@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>
Subject: RE: Use/usage comments on the BEs

Yu-Ting,

I looked through the Response to Comments document on the draft BEs and put together the attached table. It is a subset of the substantive comments that were received – the ones that pertain to use/usage. The first 5 entries (see yellow highlights) may have information we could use in refined assessments. The comments below these 5 are from grower groups, mosquito use districts, etc. and contain information on benefits (some with specific crop/chemical/pest information). USDA/IR-4 recommended formation of an expert mosquito workgroup, to include EPA, Services, IR-4 and AMCA, to review mosquito usage data, modeling assumptions, etc.

Tracy L. Perry
Senior Regulatory Advisor
Risk Management and Implementation Branch III
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 308-0128

From: Guilaran, Yu-Ting
Sent: Monday, April 09, 2018 8:28 AM
To: Perry, Tracy <Perry.Tracy@epa.gov>
Cc: Miller, Wynne <Miller.Wynne@epa.gov>
Subject: Use/usage comments on the BEs

Tracy
When you get a chance, can you see what use/usage comments EPA received on the three BEs? I know it is probably pretty tedious....let me know if it's possible. Thanks.

Regards,

Yu-Ting Guilaran, P.E.
Director

Pesticide Re-evaluation Division (PRD)
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
(tel) 703 308 0052
(fax) 703 308 8005
Mail code 7508P
Room number PY S9623

Message

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 4/30/2018 8:49:37 PM
To: Shultz, Gina [gina_shultz@fws.gov]; sheryl.kunickis@osec.usda.gov; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Patrice Ashfield [patrice_ashfield@fws.gov]; cathy.tortorici@noaa.gov; Pease, Anita [Pease.Anita@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Miller, Kayla M [kayla_miller@fws.gov]; Perry, Tracy [Perry.Tracy@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]
Subject: Chlorpyrifos Usage Data
Attachments: Chlorpyrifos SIAB Use and Usage Matrix_final04302018.pdf

Dear All,

Attached is the usage data on Chlorpyrifos that BEAD put together in response to the FWS request for the information.

Please let us know if you have any questions or need clarification.

Sincerely,

Brian

Agenda

FWS and EPA Meeting with Representative Applicants for Malathion, Diazinon and Chlorpyrifos

April 19, 2018

3:30 – 4:30 pm

- 1. Introductions**
- 2. Brief overview of role of applicants in ESA section 7 consultations**
- 3. Status of the ESA section 7 consultations**
- 4. Usage data catalog**

Message

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 2/15/2018 10:11:42 PM
To: Patrice Ashfield [patrice_ashfield@fws.gov]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]
Subject: Draft agenda for pesticide use meeting_2_15_2018.docx
Attachments: Draft agenda for pesticide use meeting_2_15_2018.docx

Hi Patrice,

Are you the right person to whom to send edits to the agenda? We have two additions at this time. Please feel free to give me a call if you have any questions.

Thanks

Brian

OPP's Upcoming Speaking Engagements

Event	Date/Time	Location	Presenter (s)	Discussion Topic (s)
Minor Crop Farmer Alliance (MCFA)	February 21 st 1:30 to 4:30 pm	Washington, DC	Mark Corbin & Dana Spatz	Modeling and Water Monitoring Data in OPP Drinking Water Assessments (DWA)
Meeting with staff from USDA, FWS and NMFS	February 26, 2018	Alexandria, VA	EFED, BEAD, PRD team members	Incorporation of usage data into ESA biological opinions
Vertebrate Pest Conference	Feb. 27, 2018 to March 1, 2018	Rohnert Park (Sonoma County), CA	Steve Wente (attending, no presentation)	Sessions are on controlling wildlife disease, rodents, wolves, birds, other vertebrates, and on anticoagulant rodenticides
Public webinar on "techniques for reducing pesticide spray drift	March 15, 2018	Arlington, VA	Faruque Khan (attending, no presentation)	Greg Kruger from the University of Nebraska's Pesticide Application Technology Lab is invited by the monarch team to present at One Potomac Yard. Asked Faruque Khan to attend and answer any spray drift questions related to EFED's assessments
Exposure Modeling Public Meeting (EMPM)	May 23, 2018	Arlington, VA	Andrew Shelby, Rebecca Lazarus, and Sujatha Sankula.	EFED will host a public meeting on exposure modeling issues focusing on interpretation of monitoring data. Presenters may be internal, from other agencies, industry, or academia, or combinations thereof.
Call with State Ag Departments, Tribes, and EPA regions on NMFS Biological	February 15 th , 2018	Arlington, VA	Brian Anderson	Talk about receipt of the BiOp and will respond to questions raised from the States, Tribes, and Regions. A general overview of the recent MOA will also be

[illegible]

Message

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 2/9/2018 4:37:35 PM
To: Patrice Ashfield [patrice_ashfield@fws.gov]; George Noguchi [george_noguchi@fws.gov]; Shultz, Gina [gina_shultz@fws.gov]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]
Subject: a few comments on the draft agenda for consideration
Attachments: Draft_AgendaCompareDoc.docx; Draft agenda for pesticide use meeting_2_8_18.docx

Hi,

I'm not sure who has the pen on the agenda, so I'm sending this to a broader group. As we've been getting our pre-work done, it's triggered some thoughts on the agenda, which are attached. A relatively clean copy and a track changes are both included. Most of the edits are in the spirit of trying to get some of the details around how much time do we want to spend on each section, who is presenting, and what are our decision goals for each topic. We also broke out the discussion on ideas of how to incorporate the data into the assessments as a separate section in the agenda.

I'm sure this will continue to evolve over the next couple of weeks.

Please feel free to contact me if you have any questions on any of the suggested edits.

Brian

Message

From: Paul, Keith [keith_paul@fws.gov]
Sent: 2/27/2018 2:00:07 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; cathy.tortorici@noaa.gov; Kunickis, Sheryl [Sheryl.Kunickis@ars.usda.gov]
Subject: Fwd: Presentations from yesterday's workshop (2 of 2)
Attachments: Questions slides for usage meeting_final.pptx; Use of usage data_Feb 26 usage meeting.pptx; Pesticide Usage Data Sources Overview_2-23-18.pdf; Non_Agricultural Use Slides_2_25_2018_FINAL.pdf

Please send this out as batch 2 instead of the previous ones.

Thanks

Keith A Paul
U.S. Fish and Wildlife Service Headquarters
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Phone: (703) 358-2675
Fax: (703) 358-1800

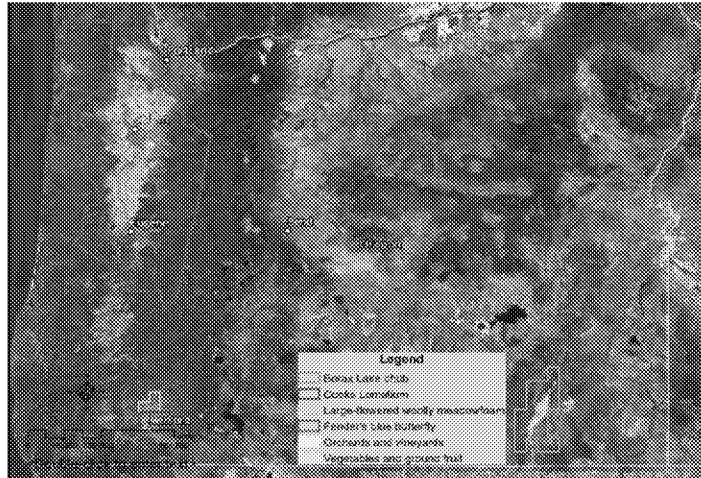
----- Forwarded message -----

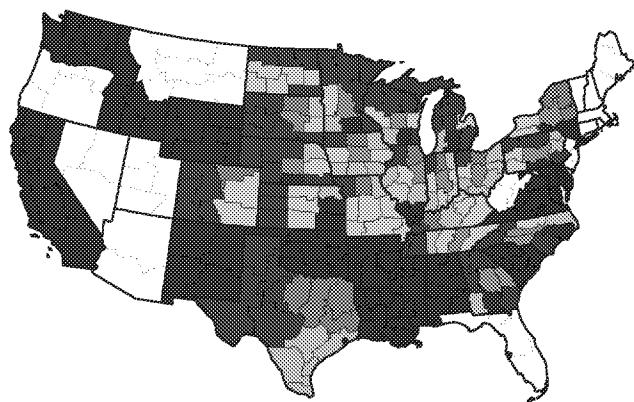
From: **Paul, Keith** <keith_paul@fws.gov>
Date: Tue, Feb 27, 2018 at 8:44 AM
Subject: Presentations from yesterday's workshop (2 of 2)
To: "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>, Cathy Tortorici - NOAA Federal <cathy.tortorici@noaa.gov>, "Kunickis, Sheryl" <Sheryl.Kunickis@ars.usda.gov>

Keith A Paul
U.S. Fish and Wildlife Service Headquarters
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Phone: (703) 358-2675
Fax: (703) 358-1800

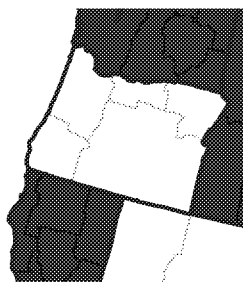
Geographic Specificity (EPA lead)

- Are there more data available on diazinon usage?
- Can the current data be provided at a finer geographic scale?

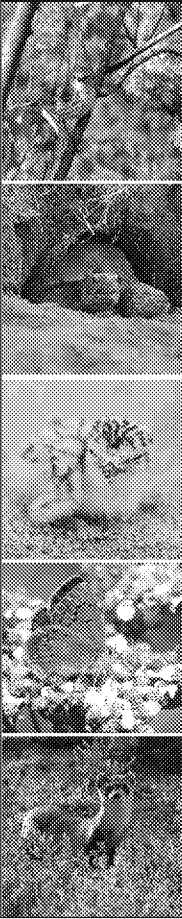




Crop Reporting Districts



State of Oregon



California Pesticide Use Reporting (PUR)

California PUR data more robust

- Mandatory reporting for agricultural crops
 - Broad legal definition of "agricultural use" including parks, golf courses, rangeland, pastures, and rights-of-way
- Primary exceptions to reporting requirements:
 - Home and garden uses
 - Industrial and institutional uses
- Geographic specificity to 1 sq mile
- Self-reporting

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

Diazinon usage data (max PCT) for vegetables and ground fruit: by state (36) and crop (22)

		STATE																																					
CROP	Category	A	A	C	C	C	D	F	G	I	I	I	M	M	M	M	M	M	N	N	N	N	N	N	O	O	O	P	S	T	T	V	W	W	W	W			
		L	Z	A	O	T	E	L	A	D	L	N	A	D	E	I	N	O	S	T	C	D	E	J	M	Y	H	K	R	A	C	N	X	A	I	Y			
Beans	veg			3				0	0	0	0				0					0				0.9		0	0		0	0				0					
Blueberries	Veg							25							*				*				19				17							47					
Broccoli	Veg			8																																			
Cabbage	Veg		0	3	0			12	0					4					0					33							74			0					
Cantaloupes	Veg		0	35				6	0	0									0												57								
Caneberries	Veg			10																							15								10				
Carrots	Veg			22										0																			33	49	0				
Cauliflower	Veg		28	4																																			
Cranberries**	Veg											57											8				27								44	58			
Cucumbers	veg			11				5	0				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Dry beans	Veg			6	0				0					0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Honeydew	Veg			0	0																											0							
Lettuce	Veg			0	20																																		
Lima Beans	Veg			21			0		0	0	0																	0						0	0				
Onions	veg			27	8				0	0															12		1				82		10						
Peppers	Veg			0	2			1	0										0					21	0	0	0				0								
Potatoes	Veg			0	0			0		0.4				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Pumpkins	Veg			2		0			0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	23	0	0	0	0	0	0	0	0	0	0	0	0			
Spinach	veg			0	10	0																		78		34						100							
Squash	Veg			16		0		12	6			0		0				0					3	1	0	0	9	0	0	5			0						
Strawberries	veg			14				35					0											0		0	4						24						
Tomatoes	Veg			3				27																															
Watermelon	veg	0	0	19			2	0	0					0	0	0	0	0	0	0	0	0			0		0			33									
tot # crops surveyed	23	1	8	21	5	2	1	10	10	7	3	1	3	2	1	10	3	4	1	1	9	2	2	6	2	8	3	2	9	5	4	3	14	2	11	9	1		
* insufficient # of reports to establish an estimate		** no Max Annual PCT- this is Avg. Annual PCT																																					

Crops not surveyed nationally

Swiss chard	parsley
red beet	sweet potato
radishes	ginseng
Chinese cabbage	peas
Chinese radish daikon	rutabagas
collards	turnips
endive	parsnips
kale	pineapples
mustard greens	brussel sprouts
figs	garlic
nectarines	

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

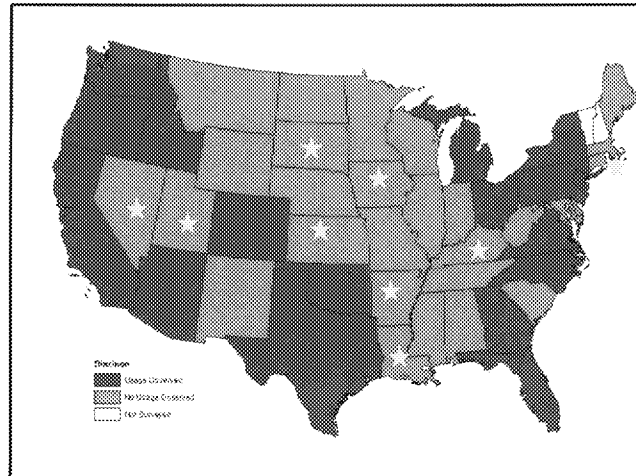
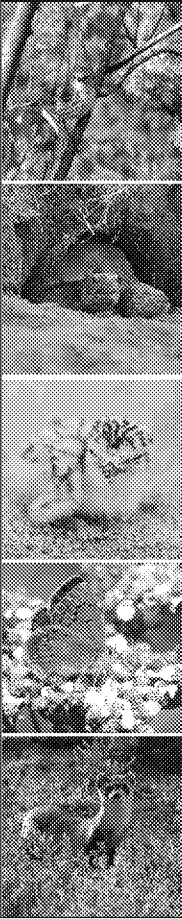


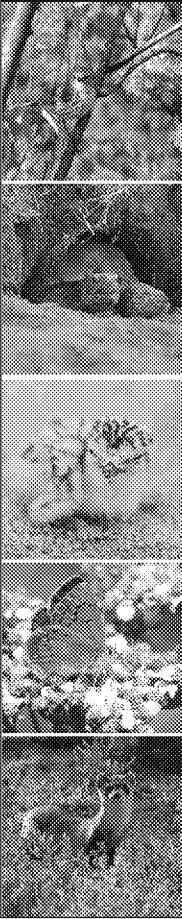
Figure 2. States with observed Diazinon usage (2010-2014).

Source: Market Research Data (MRD), 2010-2014
 *AK, HI, and US Territories are not surveyed.

11 states were not surveyed for diazinon-registered crops
 (9 states with stars + two white states)

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

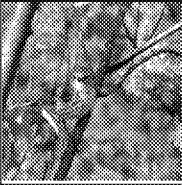


Indiana – “no usage observed”

- Crops surveyed in Indiana
 - 1 crop (pumpkins: 469 farms, 3518 acres; 2012 NASS)
 - Unknown how many farms/acres surveyed
- Crops grown in Indiana (2012 NASS)
 - Vegetables and ground fruit – 32 crops
 - Orchards and vineyards – 8 crops
 - Nurseries
 - Total acreage = 35,005 acres (+ nurseries)
- % of acreage not surveyed $\geq 90\%$

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

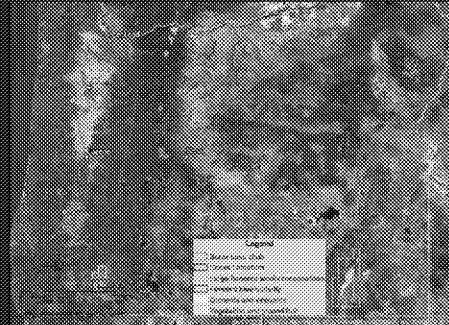


Number of growers responding per state

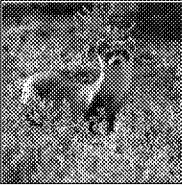
- Represents a subset of pesticide acreage and users

Information needed:

- How many acres/growers per state
- How many responded to surveys



Crop	% crop treated
Apples	38
Cherries	8
Hazelnut	0
Pears	0.4
Beans	0
Blueberries	17
Caneberries	15
Cranberries	27
Onions	1
Potatoes	0
Pumpkins	0
Squash	0
Strawberries	0



Based on 2012 NASS data:

- Potatoes, 0 PCT (616 farms, 41,667 acres)
- Hazelnuts, 0 PCT (827 farms, 37,097 acres)
- Extreme PCT nationwide: 88 PCT for spinach in TX (100 farms, 2131 acres)

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

How do we address:
Non-surveyed crops and non-surveyed states
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Deliberative Process / Ex. 5

How do we address:
Non-surveyed crops and non-surveyed states
(CONUS)

Deliberative Process / Ex. 5

Non-CONUS states/territories (FWS Lead)

- Hawaii, Pacific Islands, Puerto Rico, Virgin Islands
- Usage – Any basis to extrapolate from CONUS data?
- Other sources for this data?

OPP's Upcoming Speaking Engagements

Event	Date/Time	Location	Presenter (s)	Discussion Topic (s)
Call with State Ag Departments, Tribes, and EPA regions on NMFS Biological Opinion (BiOp) on chlorpyrifos, malathion, and diazinon	February 15 th , 2018	Arlington, VA	Brian Anderson	Talk about receipt of the BiOp and will respond to questions raised from the States, Tribes, and Regions. A general overview of the recent MOA will also be discussed. Talking points have been sent to OPP IO for clearance.
Minor Crop Farmer Alliance (MCFA)	February 21 st 1:30 to 4:30 pm	Washington, DC	Mark Corbin & Dana Spatz	Modeling and Water Monitoring Data in OPP Drinking Water Assessments (DWA)
Meeting with staff from USDA, FWS and NMFS	February 26, 2018	Alexandria, VA	EFED, BEAD, PRD team members	Incorporation of usage data into ESA biological opinions
Vertebrate Pest Conference	Feb. 27, 2018 to March 1, 2018	Rohnert Park (Sonoma County), CA	Steve Wente (attending, no presentation)	Sessions are on controlling wildlife disease, rodents, wolves, birds, other vertebrates, and on anticoagulant rodenticides
Association of American Pesticide Control Officials (AAPCO) conference	March 5 th , 2018	Arlington, VA	Marietta Echeverria or Brian Anderson	Present information on EPA's biological evaluations (BEs) and receipt of NMFS' BiOps and address questions from conference attendees

OPP's Upcoming Speaking Engagements

Event	Date/Time	Location	Presenter (s)	Discussion Topic (s)
Public webinar on "techniques for reducing pesticide spray drift"	March 15, 2018	Arlington, VA	Faruque Khan (attending, no presentation)	Greg Kruger from the University of Nebraska's Pesticide Application Technology Lab is invited by the monarch team to present at One Potomac Yard. Asked Faruque Khan to attend and answer any spray drift questions related to EFED's assessments
Presentation to EFED by Dr. Brad Fritz, USDA-ARS	March 15, time TBD	One Potomac Yard	Faruque Khan (hosting, not presenting)	"Current and Future Trends in Aerial Application Technologies in the US."
Esri Federal GIS Conference – EPA GIS Workgroup lunch meeting. No press will be present, though there may be some EPA contractors and software vendors in the room	March 21, 2018	Washington, DC Convention Center	Sheena Moore	5-10 minute technical presentation: "Geoprocessing and Quality Checks with Python"
SFIREG	April 9, 2018	Arlington, VA	Brian Anderson	Update states on status of work with NMFS, FWS, USDA
SFIREG	April 9, 2018	Arlington, VA	Dana Spatz, Rochelle Bohaty	Update states on status of preparation for Surface Water Monitoring SAP
SFIREG	April 9, 2018	Arlington, VA	Mark Corbin	Update states on Aquatic Benchmarks
Participate at the USDA Non- <i>Apis</i> bee workshop	April 24 th -26 th , 2018	Shepherdstown, WV	Tom Steeger	EFED has been invited to participate at this workshop. No presentation is involved. Travel expenses are covered

OPP's Upcoming Speaking Engagements

Event	Date/Time	Location	Presenter (s)	Discussion Topic (s)
CLA RISE	April 26, 2018	Arlington, VA	Marietta Echeverria	Panel Discussion - What We've Learned, What We Need: The FIFRA/ESA Consultation Process
CLA RISE	April 27, 2018	Arlington, VA	Marietta Echeverria	General Session: Office of Pesticide Programs Leadership Panel - Update from EFED, planned actions, and activities
CLA RISE	April 27, 2018	Arlington, VA	Tom Steeger	Pollinator Protection Priorities - Approaches to risk assessment and management for non-Apis bees
CLA RISE	April 27, 2018	Arlington, VA	Ed Odenkirchen	Overview of US EPA Risk Assessment and Risk Management Approach to the Utilization of Higher Tier Studies
CLA RISE	April 27, 2018	Arlington VA	Kris Garber	Charting a Path Forward for the Use of Population Modeling in Ecological Risk Assessment (ERA) of Pesticides
Presentation <i>in absentia</i> at SETAC Europe.	May 13-17, 2018	No Travel	Tom Steeger	Slides drafted and are in review by EPA co-authors; will be followed by review by remaining co-authors
Exposure Modeling Public Meeting (EMPM)	May 23, 2018	Arlington, VA	Andrew Shelby, Rebecca Lazarus, and Sujatha Sankula.	EFED will host a public meeting on exposure modeling issues focusing on interpretation of monitoring data. Presenters may be internal, from other agencies, industry, or academia, or combinations thereof.

OPP's Upcoming Speaking Engagements

Event	Date/Time	Location	Presenter (s)	Discussion Topic (s)
Participate at SESSYN Pesticides/Pollinator meeting. No presentation involved	May 30 – June 1, 2018	Annapolis MD	Tom Steeger	EPA was invited to participate in workshop.



PESTICIDE USAGE MEETING

How to apply usage data to the risk
assessment

EPA OPP EFED
KRIS GARBER

deliberative, for inter-Agency discussion

Outline

- Background and objective
- Description of an approach for incorporating usage data at the species range level
 - Deliberative, idea in progress
- An example to illustrate the approach

deliberative, for inter-Agency discussion

2

What are our objectives?

Refining exposure assumptions with best available usage data

Moving from what's possible to what's likely

To determine likely pesticide exposure overlap with the species range

deliberative, for inter-Agency discussion

3

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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PESTICIDE USAGE MEETING

Can we increase our understanding of
geographic specificity?

**EPA OPP EFED
MELISSA PANGER**

deliberative, for inter-Agency discussion

Can we increase our understanding of geographic specificity?

- Why is this important?
 - An understanding how and where pesticides are used is vital for understanding the likelihood of exposure
- A few terms:
 - **USE** – Refers to application instructions as described on the labels
 - **USAGE** – Refers to actual applications, generally in terms of quantity applied or units treated

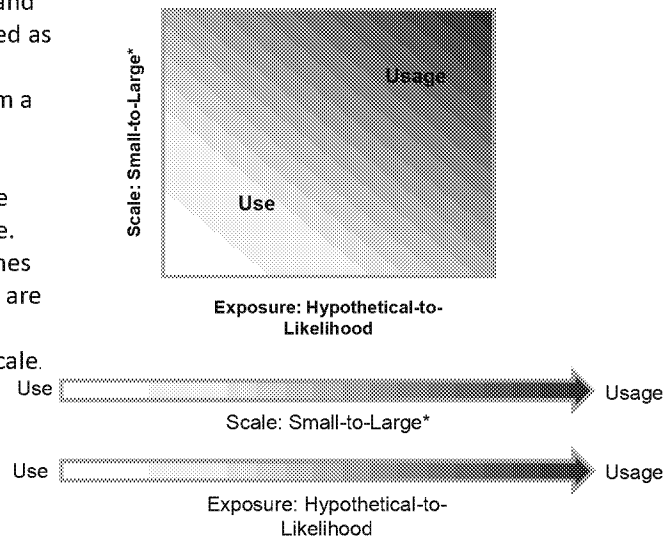
Use and Usage Data

- Both USE and USAGE data can be valuable
- To understand whether use or usage data are more relevant for an analysis, you need to understand the scale and objectives of the analysis
 - What question(s) are you trying to answer?

Scale and Objectives

*This is a gradient, and should not be viewed as dichotomous.

- As you move from a small to a larger scale, usage data generally become more appropriate.
- There may be times when usage data are useful at the individual field-scale.

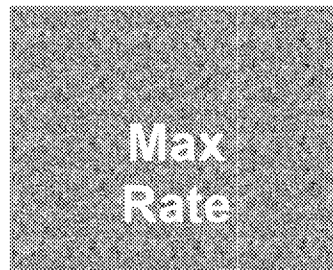


deliberative, for inter-Agency discussion

Step 1

Is there a potential for an individual to be impacted?

Use data are appropriate - It is hypothetically possible for a use site to be treated at the maximum application rate and for an individual to be exposed to that maximum rate.

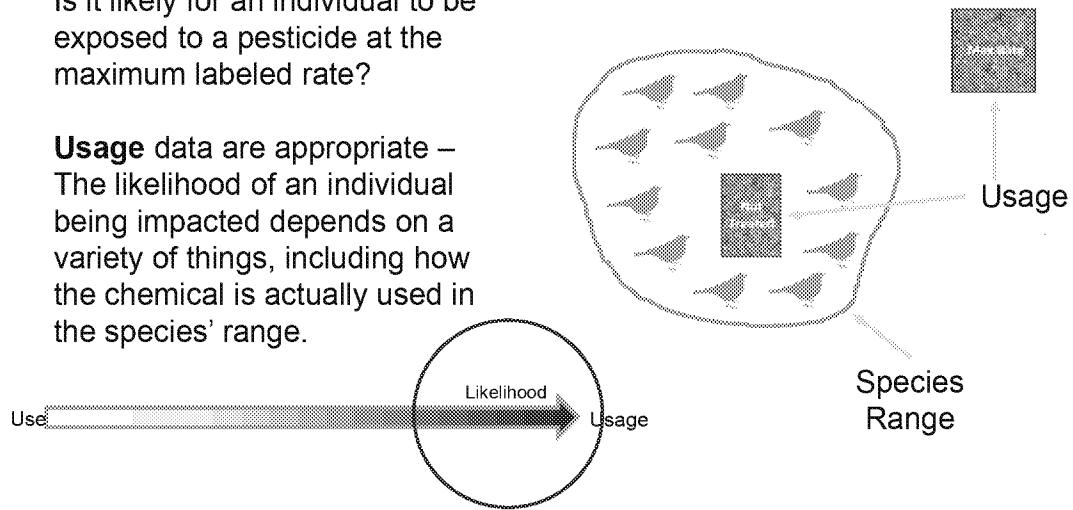


deliberative, for inter-Agency discussion

Step 2

Is it likely for an individual to be exposed to a pesticide at the maximum labeled rate?

Usage data are appropriate – The likelihood of an individual being impacted depends on a variety of things, including how the chemical is actually used in the species' range.

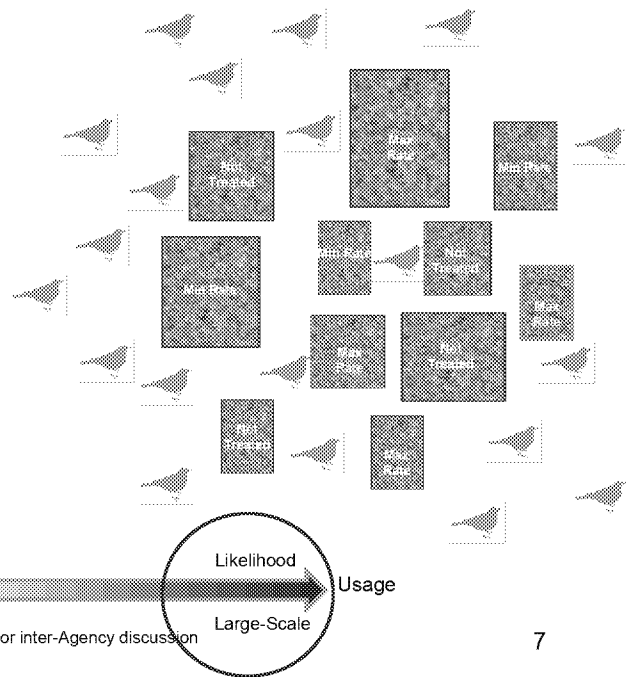


deliberative, for inter-Agency discussion

Step 3

What is the likelihood of adverse effects to the population?

Usage data are more appropriate – The likelihood depends on a variety of things, including how the chemical is actually used in the species' range. In reality, it is not likely that (1) a pesticide will be applied either on all potential use sites in a geographic area or at the maximum labeled rate on all potential use sites, OR (2) that all individuals in a population will be exposed at the maximum labeled rate.



Use Data (Chlorpyrifos Example)

- Final BE and BO assume that every potential use site has an application at the maximum labeled rate
- The math:
 - **1,156,000,000** acres of potential agricultural use sites in the continental US for chlorpyrifos (including cropland, pasture, and rangeland)
 - Based on the CDL data used in the BE and BO
 - If we assume an application of 1 lb a.i./acre for each potential use site (which is less than the maximum labeled rate for most chlorpyrifos agricultural uses), it means that **> 1 billion** lbs of chlorpyrifos is applied in one year –for just for ag uses
 - **2.4 billion** acres of potential mosquito adulticide and ‘wide area’ uses in US, then we’d assumed that **>2.4 billion** lbs of chlorpyrifos is used in one year

For ag and non-ag combined, assuming just a single application below the maximum label rate, we’d assume >3.4 billion lb of chlorpyrifos are applied annually

Usage Data (Chlorpyrifos Example)

- Based on average annual Chlorpyrifos usage data:
 - < **8 Million** lb are used in the US (on ag crop sites)
 - < **14 Thousand** lb are used in the US (mosquito control)
- Based on average annual insecticide usage data:
 - Approx. **60 Million** lbs of insecticides are used in all sectors

By relying on use data, we are assuming that orders of magnitude more chlorpyrifos is being used per year in the US than all insecticides combined

Use Assumptions

- By relying on USE data only in the BEs and BOs we are clearly significantly over-estimating the likelihood of exposures (and, thus, risks)
- USAGE data can help inform an understanding of the likelihood of exposure at a field- and geographic-scale

Can we increase our understanding of geographic specificity?

- Currently, the geographic specificity of usage data is generally at the state level
- Opening up the discussion:
 - Are there currently available usage data that may have a finer resolution than state-level?
 - Any other data that could be considered in the longer term?

deliberative, for inter-Agency discussion

11

I would also like to welcome you all to the Usage workshop and thank the staff from all of the Agencies for the pre-work on the agenda and their hard work in preparing for the meeting. From my perspective, I believe we have an opportunity to refine our consultation process going forward based on lessons learned and the stakeholder input that we have received during the pilot process. Frankly, we know that we can do a better job on the biological evaluations going forward. One of the most impactful ways we can improve our process is by incorporating best available information on how and where pesticides are actually used to focus our resources on species truly at risk from real-world pesticide exposures. To further that goal, experts on pesticide usage from BEAD (together with experts from USDA) are here to support the discussion of best available data sources, and appropriate applications of those data. Additionally, EFED risk assessment experts are prepared to discuss ideas on how we can apply the data to the risk assessment framework. These ideas should be considered just that ideas – we look forward to the deliberation and it's my hope that through the discussions today that these ideas will evolve, and be refined with all of the expertise around the table.

Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 4/23/2018 8:40:54 PM
To: Perry, Tracy [Perry.Tracy@epa.gov]; gina_shultz@fws.gov
Subject: FW: electronic version of Pesticide Use and Usage Data Presentation
Attachments: PowerPoint on Possible Actual Use data sources, methods.PPTX

From: Richardson, R. Steven [mailto:rsrichardson@wileyrein.com]
Sent: Monday, April 23, 2018 4:27 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: electronic version of Pesticide Use and Usage Data Presentation

Hi, Marietta

Per your request, here is an electronic version of the PowerPoint distributed at last week's meeting with USFWS and EPA staff. Please let me know when you plan to "docket" the material, notes and participant list.

Thanks,

Steven

Steven Richardson
Wiley Rein LLP
1776 K Street NW | Washington, DC 20006
T: 202.719.7489 | M: 202.460.4721 | rsrichardson@wileyrein.com
www.wileyrein.com | [Bio](#) | [LinkedIn](#) | [Twitter](#)

From: Echeverria, Marietta [mailto:Echeverria.Marietta@epa.gov]
Sent: Monday, April 23, 2018 4:02 PM
To: Richardson, R. Steven <rsrichardson@wileyrein.com>
Cc: Shultz, Gina <gina_shultz@fws.gov>; Perry, Tracy <Perry.Tracy@epa.gov>
Subject: electronic version of Pesticide Use and Usage Data Presentation

Hi Steve,

Thank you for the meeting last week on the ongoing OP consultations between EPA and FWS. As Gina mentioned at the beginning of the meeting, EPA plans on docketing the meeting minutes, materials and participant list. Could you please send an electronic version of the power point presentation?

Regards,
Marietta

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From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 6/12/2018 12:58:59 PM
To: Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]; gina_shultz@fws.gov
CC: Miller, Wynne [Miller.Wynne@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]
Subject: FW: Pesticide usage data
Attachments: Letter from NASS.pdf

FYI

From: Keigwin, Richard
Sent: Tuesday, June 12, 2018 6:13 AM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Wise, Louise <Wise.Louise@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>
Subject: FW: Pesticide usage data

FYI

From: Brett Hartl [mailto:BHartl@biologicaldiversity.org]
Sent: Monday, June 11, 2018 5:35 PM
To: Gary_frazer@fws.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Pesticide usage data

Gary, Rick,

I just wanted to share this letter we received from the USDA-NASS. In essence, it states that NASS data cannot be used or analyzed below that of individual states because the sample size is so small that usage at the county-level would likely reveal the identities of individual pesticide applicants, which is protected by law. USDA also includes a log of "special tabulations" requested by entities other than USDA regarding pesticide use on its website. Neither EPA or USFWS appear to have made any requests to USDA in 2018 regarding the actual use data for any pesticide. Indeed USFWS has never requested any data from USDA in the last six years.

It does make us wonder from where EPA and USFWS intend to augment usage data for the biological opinions. According to EPA's documents, the Biological and Economic Analysis Division only draws its data from NASS, California pesticide usage data and from industry itself. Of course, California requires far greater detail regarding pesticide usage than any other state, so extrapolating based on California may or may not be justified. At the other end of the spectrum, industry hides all of its raw data behind a shield of CBI. One can imagine the conflict of interest and likelihood of deliberate falsification if industry were allowed to provide EPA and USFWS "data" that cannot be verified or subject to independent peer review.

It's all quite interesting, hope you enjoy reading the letter and have a great day,

Brett Hartl
Government Affairs Director
Center for Biological Diversity
202-817-8121

Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 4/30/2018 8:42:48 PM
To: gina_shultz@fws.gov; cathy.tortorici@noaa.gov; sheryl.kunickis@osec.usda.gov
Subject: PPDC slides
Attachments: PPDC Slides - ESA Echeverria 04202018.pptx

FYI – here is the slide deck I plan on using at PPDC this Thursday. Please let me know if you have major concerns. This has already been through our clearance process so I am unlikely to make changes. But if you have a concern I could modify talking points etc.

Regards,
Marietta



Endangered Species Act Update

Marietta Echeverria
Office of Pesticide Programs
U.S. Environmental Protection Agency

EPA Consultation on OPs

- EPA initiated consultation in January 2017 by issuing the first-ever nationwide Biological Evaluations (BEs) for chlorpyrifos, diazinon, and malathion
- Pursuant to a consent decree, NMFS was required to issue a final BiOp for these three pesticides by December 31, 2017
- NMFS sought a time extension by the court in November, it was not granted by the December, 2017 final BiOP due date

EPA Consultation on OPs (cont.)

- » Time extension was sought by NMFS because:
 - » BEs were delayed from original targets
 - » Scientific issues are more complex than anticipated
 - » Concerns were raised by EPA, FWS, and stakeholders that require lengthy and intensive inter-agency collaborative work
 - » Additional time would have allowed for public comment on a draft BiOp as planned
- » NMFS issued a final BiOp on December 29th
 - » A draft BiOp was not released prior to the final
- » EPA has initiated a public comment period requesting comment on:
 - » The scientific approaches and data sources used to support the BiOp
 - » The RPAs and RPMs
 - » National- and state-level use and usage data and information

EPA Consultation on OPs (cont.)

- The U.S. Fish and Wildlife (FWS) also agreed to issue a BiOp for these three pesticides by December 31, 2017, but the terms of the settlement agreement gave them flexibility to not meet the date
 - EPA is compiling additional data for the three chemicals
 - The Agencies are collaborating on appropriate use of the information in the consultation process

EPA NMFS BiOp summary

- The BiOP found “jeopardy” to 38 species and “adverse modifications” to 37 critical habitat units
- For species with “jeopardy” findings, Reasonable and Prudent Alternatives (RPAs) are identified to avoid jeopardy
- Reasonable and Prudent Measures (RPMs) are intended to minimize “take”

EPA NMFS BiOp summary (Cont.)

- ✧ RPMs are non-discretionary:
 - ✧ Develop relevant EPA Endangered Species Protection Plan Bulletins to conserve listed species
 - ✧ Develop user education program, and incident tracking and reporting system
- ✧ RPAs in the BiOp intended to reduce exposure:
 - ✧ Limit the frequency of application to once per year
 - ✧ Limit area of application for mosquito control;
 - ✧ Limit area of application for wide area use;
 - ✧ Employ an effectiveness monitoring plan to ensure that RPA(s) selected is feasible, effective as implemented;
 - ✧ Options in a new point system that are based on a European mitigation system;

EPA Next Steps

- * EPA is currently reviewing the BiOp from National Marine Fisheries
- * A 60-day public comment period on the BiOp opened on March 23rd and will close on May 22nd.
 - * <https://www.regulations.gov/document?D=EPA-HQ-OPP-2018-0141-0001>
- * Although FWS had a similar date for completing BiOps, the terms of the agreement have given them flexibility to not meet the compliance date
- * FWS requested use and usage data, which EPA is developing, to be included in their BiOp

EPA Next Steps (Cont.)

- The EPA is collaborating with the Services to refine interim scientific approaches and create a sustainable process for completing consultations that meet requirements of both statutes
- EPA, FWS, NMFS, and USDA are working together to determine the most appropriate method for incorporating available usage data
- The EPA aims to streamline the process to a point where it is protective of species, timely for FIFRA registration review decisions, feasible within the agencies' resource constraints, and transparent to the public

5

The agency is committed to meeting the statutory mandates under both FIFRA and ESA.

The carbaryl and methomyl BIODs are scheduled to be completed in December 2018. Consultation has not yet been initiated on these pesticides.

The EPA is collaborating with the Services to develop interim scientific approaches and create a sustainable process for completing consultations that meet requirements of both statutes.

The EPA aims to streamline the process to a point where it is protective of species, timely for FIFRA registration review decisions, feasible within the agencies' resource constraints, and transparent to the public.

EPA ESA Interagency Working Group

- * On January 31, 2018, a Memorandum of Agreement was signed by EPA, DOI (includes FWS), DOC (includes NMFS), establishing an Interagency Working Group
- * The Working Group is charged with reviewing statutory requirements, regulations, and case law and making recommendations to improve scientific and policy approaches
- * The Working Group will provide recommendations to EPA, FWS and NMFS leadership on improving the ESA consultation process for pesticide registration and registration review

9

Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 5/14/2018 5:53:57 PM
To: Patrice Ashfield [patrice_ashfield@fws.gov]
Subject: FW: updated Usage Workgroup Timeline
Attachments: milestones_timeline_interagency_usage_5_9_18b_wfm_me.docx; milestones_timeline_interagency_usage_05112018 clean.docx

From: Echeverria, Marietta
Sent: Friday, May 11, 2018 3:21 PM
To: gina_shultz@fws.gov; cathy.tortorici@noaa.gov; 'Kunickis, Sheryl - OSEC' <Sheryl.Kunickis@osec.usda.gov>
Cc: Miller, Wynne <Miller.Wynne@epa.gov>; Kristina Garber <Garber.Kristina@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>; Becker, Jonathan <becker.jonathan@epa.gov>; Paisley-Jones, Claire <Paisley-Jones.Claire@epa.gov>; Perry, Tracy <Perry.Tracy@epa.gov>
Subject: updated Usage Workgroup Timeline

Happy Friday!

Attached is the updated Usage Workgroup Timeline based on the comments received and the discussion we had this past Tuesday. I have included a "track changes" version with comment bubbles etc as well as a clean version for your review. We can discuss any additional comments on Tuesday.

Have a great weekend!

Marietta

Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 5/11/2018 7:20:54 PM
To: gina_shultz@fws.gov; cathy.tortorici@noaa.gov; Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]
CC: Miller, Wynne [Miller.Wynne@epa.gov]; Kristina Garber [Garber.Kristina@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]; Becker, Jonathan [becker.jonathan@epa.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]
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Have a great weekend!

Marietta

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From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 5/29/2018 12:47:02 PM
To: Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]; gina_shultz@fws.gov; cathy.tortorici@noaa.gov
CC: Anderson, Brian [Anderson.Brian@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]
Subject: usage workgroup workplan
Attachments: milestones_timeline_interagency_usage_5-25-18_final.docx

All,

Attached is the latest (dare I say final) version of the workplan for the usage workgroup. I understand from Brian and Diann that we want to get this out to the team cob today. Do you all agree that this is final? Gina, will you be sending it to the group?

Also, for the adulticide subtask we have assigned Melissa Panger and Steve Lennartz to participate. Who should I put them in contact with?

Regards,
Marietta

Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 8/20/2018 8:58:15 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]
CC: Baptist, Erik [baptist.erik@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]
Subject: RE: ESA WG Call
Attachments: FWS_EPA_ActionArea_Issue 08.16.2018_FWS comments v2.docx

Attached is the discussion draft that we have been using with FWS. You will see embedded comments/responses which gives you a sense of the discussion. Please note that Rick and Ed have not had an opportunity to review this yet. Our next step is a 2 pm discussion tomorrow with EFED, BEAD and OGC, with FWS and their solicitor's office. Please let us know if you would like to discuss or if you need additional information.

Thanks,
Marietta

From: Beck, Nancy
Sent: Monday, August 20, 2018 4:13 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Subject: RE: ESA WG Call

Thanks. Will you have the short paper before the 2pm call tomorrow that you all are having?

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Echeverria, Marietta
Sent: Wednesday, August 15, 2018 3:09 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Subject: RE: ESA WG Call

I would just add that the issue on where to incorporate the usage data (Step 1, 2 and/or 3) is evolving through discussions and we are working on a short paper to hopefully get on the same page.

From: Keigwin, Richard
Sent: Wednesday, August 15, 2018 3:01 PM

To: Beck, Nancy <Beck.Nancy@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>

Subject: RE: ESA WG Call

Regarding your first question, my understanding is:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Beck, Nancy

Sent: Wednesday, August 15, 2018 2:10 PM

To: Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>

Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: RE: ESA WG Call

I'm a bit confused by the bullets below about a key issue. I'm not sure I understand the differences. Can someone help me here? **Deliberative Process / Ex. 5**?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5?

Thanks,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Messina, Edward

Sent: Tuesday, August 14, 2018 10:08 AM

To: Keller, Kaitlin <keller.kaitlin@epa.gov>

Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: ESA WG Call

Kaitlin,

One pager for Erik on ESA. Two older briefings attached as well. Let me know if you need anything else on this.

Ed

Ed Messina

Acting Deputy Office Director (Programs)

Office of Pesticide Programs

U.S. EPA

(703) 347-0209



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 17 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Gary Frazer
Assistant Director
U.S. Fish and Wildlife Service
Ecological Services
5275 Leesburg Pike
Falls Church, VA 22041-3803

Dear Mr. Frazer,

Thank you for your letter requesting additional information to complete formal consultation on the Biological Evaluations (BEs) for chlorpyrifos, malathion, and diazinon, which were finalized on January 18, 2017.

As you are aware, the BEs were developed with Services oversight and included all information and analyses as requested by the National Marine Fisheries Service (NMFS) and Fish and Wildlife Service (FWS) during their development. We understand, however, that in the course of our consultation, FWS has indicated that additional information regarding use and usage information could be of value in the development of the FWS biological opinions (BiOps). We will treat your letter as a request for additional information as described in section 402.14(f) of the FWS regulations and not a request to revise the EPA BEs with additional information under section 402.46(b). This is consistent with the regulations that require requests from FWS for additional information to be submitted within 45 days of EPA providing the BE to FWS (50 CFR Part 402). Accordingly, any agreement from EPA to supplement the consultation should not be viewed as EPA's agreement to either revise or withdraw its final BEs.

We are pleased that the utility of the use and usage information is being reconsidered, and we anticipate being able to provide this information within approximately 6 months.

Use information (e.g., maximum application rate, number of allowed applications, etc.) is extracted directly from product labels whereas usage information describes where, when, and how a pesticide is actually being used based on survey information. In order to provide the requested use and usage information, staff from EPA's Biological and Economic Analysis Division (BEAD) must compile and summarize label information, appropriately aggregate complex use directions, and develop associated usage statistics. The number of registered use sites for these active ingredients is extensive with more than 100 active registered products for

chlorpyrifos and diazinon. Additionally, this work would need to be completed concurrently with BEAD's existing workload to provide use and usage information supporting EPA's registration review program.

Your letter also requests to extend the consultation in accordance with 50 C.F.R.402.14(e). We agree that consultation should continue and be extended as necessary, and that any required consent from any applicants be obtained.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Anderson". The signature is fluid and cursive, with the first name "Brian" and last name "Anderson" clearly distinguishable.

For Marietta Echeverria
Director, Environmental Fate and Effects Division
Office of Pesticide Programs

Message

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 2/19/2018 2:35:29 PM
To: Panger, Melissa [Panger.Melissa@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Eckel, William [Eckel.William@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Rossmeisl, Colleen [Rossmeisl.Colleen@epa.gov]; Connolly, Jennifer [Connolly.Jennifer@epa.gov]; Lennartz, Steven [Lennartz.Steven@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]
Subject: Workshop agenda - for Tomorrow's discussion
Attachments: Draft agenda for pesticide use meeting_2_16_2018b.docx

Flag: Flag for follow up

Hey Guys,

I spoke with FWS on Friday –

The agenda is still different than what I've been envisioning and that we've been talking about - but we can work with it I think. The discussions will be set up in specific parts – Right now there are 5 questions – but I'm adding a couple – and if you think there are more that need to be added, then please let me know. Questions in yellow highlight are proposed additions that may or may not make it. Green is where we will need a couple of slides. And green/bold is where we need prep materials (I only focused on EFED). The prep materials I think we largely already have together except the last question.

I think we can make sure that the key parts of the method you guys have been working so hard on are included in the agreements, and I think they are. The key parts in my mind are: (1) adding the state level acres from the SUUM, calculating the factor, and applying that to the CDL (**Question 6**); (2) consolidating the acres into the species range (**question 2**). And then Question 7 I'm adding so we can show an example of what we get out of the usage data.

Discussion regarding the best use of available data, and how to fill data gaps (Agencies share and discuss proposed approaches)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 6/12/2018 12:58:59 PM
To: Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]; Shultz, Gina [gina_shultz@fws.gov]
CC: Miller, Wynne [Miller.Wynne@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]
Subject: FW: Pesticide usage data
Attachments: Letter from NASS.pdf

FYI

From: Keigwin, Richard
Sent: Tuesday, June 12, 2018 6:13 AM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Wise, Louise <Wise.Louise@epa.gov>
Cc: Keller, Kaitlin <keller.kaitlin@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>
Subject: FW: Pesticide usage data

FYI

From: Brett Hartl [<mailto:BHartl@biologicaldiversity.org>]
Sent: Monday, June 11, 2018 5:35 PM
To: Gary_frazer@fws.gov; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: Pesticide usage data

Gary, Rick,

I just wanted to share this letter we received from the USDA-NASS. In essence, it states that NASS data cannot be used or analyzed below that of individual states because the sample size is so small that usage at the county-level would likely reveal the identities of individual pesticide applicants, which is protected by law. USDA also includes a log of "special tabulations" requested by entities other than USDA regarding pesticide use on its website. Neither EPA or USFWS appear to have made any requests to USDA in 2018 regarding the actual use data for any pesticide. Indeed USFWS has never requested any data from USDA in the last six years.

It does make us wonder from where EPA and USFWS intend to augment usage data for the biological opinions. According to EPA's documents, the Biological and Economic Analysis Division only draws its data from NASS, California pesticide usage data and from industry itself. Of course, California requires far greater detail regarding pesticide usage than any other state, so extrapolating based on California may or may not be justified. At the other end of the spectrum, industry hides all of its raw data behind a shield of CBI. One can imagine the conflict of interest and likelihood of deliberate falsification if industry were allowed to provide EPA and USFWS "data" that cannot be verified or subject to independent peer review.

It's all quite interesting, hope you enjoy reading the letter and have a great day,

Brett Hartl
Government Affairs Director
Center for Biological Diversity
202-817-8121

Message

From: Sims, Diann [Sims.Diann@epa.gov]
Sent: 3/8/2018 2:41:23 PM
To: Miller, Wynne [Miller.Wynne@epa.gov]
Subject: ESAworkshopNotes2-26-18.docx Katrina's notes
Attachments: ESAworkshopNotes2-26-18.docx

PESTICIDE USAGE MEETING - Notes

February 26, 2018

8:30 a.m. – 5:00 p.m.

Meeting Objective Statement:

To complete ESA section 7 consultation on the re-registration of chlorpyrifos, malathion, and diazinon, FWS needs information on the usage of these chemicals in proximity to listed species ranges and critical habitat over the next 15 years. This information will help FWS analyze the direct and indirect effects of the use of these three chemicals on threatened and endangered species. The objective of this meeting is to: (1) identify existing usage data that EPA and USDA have or can obtain, and gain understanding of strengths and the limitations on those data; (2) identify other usage data needed and a plan for collecting available data; and (3) clarify how the usage data will be used in the section 7 consultations.

Desired Outcomes:

- Agreement on available usage data that can be used to determine the direct and indirect effects on listed species.
- Agreement on how to address data gaps and uncertainties.
- Agreement on how data will be used in for Steps 1 and 2 (BEs) and Step 3 (BO analysis).
- Agreement on how to obtain additional key usage data.

Final Charge

PESTICIDE USAGE WORK GROUP (2/26/18)

Form working group with decision-makers and experts from each agency to find a path forward; decisions will be elevated to the policy team members as needed.

Team members and a team lead will be identified by this Thursday.

Check in on methodologies and next steps in 2 weeks.

EPA will provide the malathion agricultural and non-agricultural usage report by March 31.

CHARGE:

The group will determine where malathion is likely to be applied, consistent with the best available scientific and commercial data, and how those data can be incorporated into the risk assessment method.

- Use the most granular data available.
- Explain the limitations to providing more granular data as needed.
- Include assumptions about the data used to determine areas where usage is likely.
- Step 1: Come up with a timeline and tasks for developing a methodology.

8:30 a.m. **Opening remarks**

[PAGE * MERGEFORMAT]

Deliberative Process / Ex. 5

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Message

From: Miller, Wynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8267862F7FEA4782AEC32EA5FEC8C19C-WYMILLER]
Sent: 8/15/2018 7:26:33 PM
To: Diann Sims [Sims.Diann@epa.gov]
Subject: FW: ESA WG Call

From: Keigwin, Richard
Sent: Wednesday, August 15, 2018 3:01 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>
Subject: RE: ESA WG Call

Regarding your first question, my understanding is that the FWS approach would limit the consideration of the usage data only to Step 1 (May Effect/No Effect). We believe that the usage data should also be considered, in a quantified way, at both Step 2 (Likely to Adversely Affect/Not Likely to Adversely Affect) and Step 3 (Biological Opinion). Hopefully Marietta will clarify where I got that wrong.

Wynne can provide an update on the status of the development of the state level usage data.

From: Beck, Nancy
Sent: Wednesday, August 15, 2018 2:10 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: ESA WG Call

I'm a bit confused by the bullets below about a key issue. I'm not sure I understand the differences. Can someone help me here? **Deliberative Process / Ex. 5** ?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

process, or maybe doesn't agree with it?

Thanks,
Nancy

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
M: 202-731-9910
beck.nancy@epa.gov

From: Messina, Edward
Sent: Tuesday, August 14, 2018 10:08 AM
To: Keller, Kaitlin <keller.kaitlin@epa.gov>
Cc: Baptist, Erik <Baptist.Erik@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: ESA WG Call

Kaitlin,

One pager for Erik on ESA. Two older briefings attached as well. Let me know if you need anything else on this.

Ed

Ed Messina
Acting Deputy Office Director (Programs)
Office of Pesticide Programs
U.S. EPA
(703) 347-0209

Message

From: Miller, Wynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8267862F7FEA4782AEC32EA5FEC8C19C-WYMILLER]
Sent: 5/8/2018 6:44:36 PM
To: Garber, Kristina [Garber.Kristina@epa.gov]; Diann Sims [Sims.Diann@epa.gov]
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Subject: Redline strikeout of FWS
Attachments: Redline Strikeout of FWS task timeline.docx

This version does not have NMFS' edits or any changes we want to make based on today's discussion. So you can use this to start with. Let us know if you have questions about what changes need to be made.

Thx

Wynne and Marietta

Message

From: Miller, Wynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8267862F7FEA4782AEC32EA5FEC8C19C-WYMILLER]
Sent: 5/8/2018 1:55:16 PM
To: Garber, Kristina [Garber.Kristina@epa.gov]; Perry, Tracy [Perry.Tracy@epa.gov]; Diann Sims [Sims.Diann@epa.gov]; Becker, Jonathan [becker.jonathan@epa.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Subject: Our notes on the timelines - feel free to edit
Attachments: FWS compare.milestones_timeline_wfm.docx; milestones_timeline_interagency_usage_4-27-18 Tony_EPA edits.docx

Message

From: Miller, Wynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8267862F7FEA4782AEC32EA5FEC8C19C-WYMILLER]
Sent: 4/27/2018 4:11:57 PM
To: Gina_Shultz@fws.gov [gina_shultz@fws.gov]; Nancy Golden [nancy_golden@fws.gov]; sheryl.kunickis@osec.usda.gov; tony.hawkes@noaa.gov; George Noguchi [george_noguchi@fws.gov]; cathy.tortorici@noaa.gov; clayton.myers@ars.usda.gov; ashley_stilson@fws.gov; david.baldwin@noaa.gov; elizabeth.hill2@ars.usda.gov; david.epstein [David.Epstein@ARS.USDA.GOV]; sara_omar@ios.doi.gov
CC: Garber, Kristina [Garber.Kristina@epa.gov]; Diann Sims [Sims.Diann@epa.gov]; Becker, Jonathan [becker.jonathan@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; guilaran.yu-ting@epa.gov; Perry, Tracy [Perry.Tracy@epa.gov]; Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]
Subject: Tasks and Timeline for the Malathion Charge
Attachments: milestones_timeline_interagency_usage_4-27-18.docx

Hi All,

Our EPA team developed the “draft” tasks and timeline for next Tuesday’s meeting. We can discuss and see if others have suggestions for improvement before we finalize. A couple notes about the tasks/timeline.

- The dates in the timeline are “tentative” and a lot depends on (a) whether we decide to complete all of these tasks and (b) how discussions proceed regarding the acceptance of the information/data/methodology.
- We have tentatively listed a lead office but can talk about who else might need to be involved and whether the task needs a subgroup or not.

Looking forward to our discussion next week.
Have a great weekend!!

Wynne Miller, Director
Biological and Economic Analysis Division (BEAD)
Office of Pesticide Programs (OPP)
Office of Chemical Safety and Pollution Prevention (OCSPP)
(Phone) 703-308-8111
(Fax) 703-308-8091
Mail code 7503P
Room # PY S9724

Message

From: Panger, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3AE9780510D84F499C8465FB70DE5CDA-MELISSA PANGER]
Sent: 8/1/2018 1:34:10 PM
To: Golden, Nancy [nancy_golden@fws.gov]; Bergeson, Mitch T [mitch_bergeson@fws.gov]; elizabeth.hill2@ars.usda.gov; tony.hawkes@noaa.gov; Connolly, Jennifer (Connolly.Jennifer@epa.gov) [Connolly.Jennifer@epa.gov]; Lennartz, Steven (Lennartz.Steven@epa.gov) [Lennartz.Steven@epa.gov]; Becker, Jonathan (Becker.Jonathan@epa.gov) [Becker.Jonathan@epa.gov]; Paisley-Jones, Claire (Paisley-Jones.Claire@epa.gov) [Paisley-Jones.Claire@epa.gov]; thomas.hooper@noaa.gov
Subject: Inter-agency ESA Usage Methodology Meetings
Attachments: milestones_timeline_interagency_usage_5-30-18_final .docx

Hi All,

We are going to start up weekly meetings for the Inter-Agency ESA Usage Methodology Workgroup – your names were put forward by your management to participate in the workgroup. I just sent out the meeting invite – hopefully the time works for everyone (please let me know if not). Also, please let me know if anybody else from your agencies should be added to the invite.

This workgroup will tackle task 10 of the Inter-Agency Usage Workgroup milestones (see attached). We will be responsible for developing the methodology to determine where malathion is likely and not likely used – starting with three pilot states (FL, CA, and HI) and then moving to the entire country. I'll send out an agenda prior to the meeting next week.

Let me know if you have any questions or comments.

Thanks,
Melissa

Melissa Panger, Ph.D.
Senior Advisor, ERB2
Environmental Fate and Effects Division
Office of Pesticide Programs
USEPA

703-305-6136
panger.melissa@epa.gov

Message

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 9/18/2018 1:33:53 PM
To: Patrice Ashfield [patrice_ashfield@fws.gov]
CC: Perry, Tracy [Perry.Tracy@epa.gov]; Panger, Melissa [Panger.Melissa@epa.gov]
Subject: FW: table with links to BE comments
Attachments: 3 OPs.use.usage.comments.7.25.18.docx

Hi Patrice

Attached is the table that we sent with links to comments that might have usage data included.

Please let me know if you need anything else or if you have any questions.

Brian

From: Perry, Tracy
Sent: Tuesday, September 18, 2018 9:28 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Cc: Panger, Melissa <Panger.Melissa@epa.gov>
Subject: FW: table with links to BE comments

Hi Brian,

Here is the email transmitting the table with links to comments on the 3 OP BEs to FWS, NMFS and USDA.

-Tracy

From: Perry, Tracy
Sent: Wednesday, July 25, 2018 3:42 PM
To: Shultz, Gina <gina_shultz@fws.gov>; cathy.tortorici@noaa.gov; Kunickis, Sheryl - OSEC <Sheryl.Kunickis@osec.usda.gov>; Patrice Ashfield <patrice_ashfield@fws.gov>
Cc: Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Wynne Miller <Miller.Wynne@epa.gov>; Sims, Diann <Sims.Diann@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Subject: table with links to BE comments

All,

As a follow-up from the ESA managers call last week, I am sending a table with hotlinks to the comments on the BE for the 3 OPs that might have some relevant use/usage information. The mosquito adulticide subgroup has been provided with the information in the first comment (AMCA survey). After a quick review, I don't believe that the remaining comments will provide fruitful in terms of new usage data (although some comments may provide anecdotal information). For example, the Western Integrated Pest Management Center (9th comment in table) stated that diazinon is used in Hawaii (pineapple) and Guam (variety of crops)]. Other commenters provided information that is likely duplicative of other sources in the catalogue. For example, the American Farm Bureau (3rd link in table) provided information such as acres treated and pounds used in CA (from CDPR data and proprietary sources).

Regards,

Tracy L. Perry

Senior Regulatory Advisor
Risk Management and Implementation Branch III
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 308-0128

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 4/23/2018 8:40:54 PM
To: Perry, Tracy [Perry.Tracy@epa.gov]; Shultz, Gina [gina_shultz@fws.gov]
Subject: FW: electronic version of Pesticide Use and Usage Data Presentation
Attachments: PowerPoint on Possible Actual Use data sources, methods.PPTX

From: Richardson, R. Steven [mailto:rsrichardson@wileyrein.com]
Sent: Monday, April 23, 2018 4:27 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: electronic version of Pesticide Use and Usage Data Presentation

Hi, Marietta

Per your request, here is an electronic version of the PowerPoint distributed at last week's meeting with USFWS and EPA staff. Please let me know when you plan to "docket" the material, notes and participant list.

Thanks,

Steven

Steven Richardson
Wiley Rein LLP
1776 K Street NW | Washington, DC 20006
T: 202.719.7489 | M: 202.460.4721 | rsrichardson@wileyrein.com
www.wileyrein.com | [Bio](#) | [LinkedIn](#) | [Twitter](#)

From: Echeverria, Marietta [mailto:Echeverria.Marietta@epa.gov]
Sent: Monday, April 23, 2018 4:02 PM
To: Richardson, R. Steven <rsrichardson@wileyrein.com>
Cc: Shultz, Gina <gina_shultz@fws.gov>; Perry, Tracy <Perry.Tracy@epa.gov>
Subject: electronic version of Pesticide Use and Usage Data Presentation

Hi Steve,

Thank you for the meeting last week on the ongoing OP consultations between EPA and FWS. As Gina mentioned at the beginning of the meeting, EPA plans on docketing the meeting minutes, materials and participant list. Could you please send an electronic version of the power point presentation?

Regards,
Marietta

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Message

From: Perry, Tracy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FFD9B082A6484FE8A70CADE93A68466C-TRACY L PERRY]
Sent: 7/25/2018 7:42:29 PM
To: Shultz, Gina [gina_shultz@fws.gov]; cathy.tortorici@noaa.gov; Kunickis, Sheryl - OSEC [Sheryl.Kunickis@osec.usda.gov]; Patrice Ashfield [patrice_ashfield@fws.gov]
CC: Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wynne Miller [Miller.Wynne@epa.gov]; Sims, Diann [Sims.Diann@epa.gov]; Anderson, Brian [Anderson.Brian@epa.gov]
Subject: table with links to BE comments
Attachments: 3 OPs.use.usage.comments.7.25.18.docx

All,

As a follow-up from the ESA managers call last week, I am sending a table with hotlinks to the comments on the BE for the 3 OPs that might have some relevant use/usage information. The mosquito adulticide subgroup has been provided with the information in the first comment (AMCA survey). After a quick review, I don't believe that the remaining comments will provide fruitful in terms of new usage data (although some comments may provide anecdotal information). For example, the Western Integrated Pest Management Center (9th comment in table) stated that diazinon is used in Hawaii (pineapple) and Guam (variety of crops)]. Other commenters provided information that is likely duplicative of other sources in the catalogue. For example, the American Farm Bureau (3rd link in table) provided information such as acres treated and pounds used in CA (from CDPR data and proprietary sources).

Regards,

Tracy L. Perry
Senior Regulatory Advisor
Risk Management and Implementation Branch III
Pesticide Re-evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 308-0128

Message

From: Anderson, Brian [Anderson.Brian@epa.gov]
Sent: 2/20/2018 10:24:03 PM
To: Patrice Ashfield [patrice_ashfield@fws.gov]
CC: Sims, Diann [Sims.Diann@epa.gov]
Subject: Draft agenda for pesticide use meeting_2_20_2018 finalBA.docx
Attachments: Draft agenda for pesticide use meeting_2_20_2018 finalBA.docx

Thanks Patrice,

We are getting a little concerned that we are hitting up against the deadline here. We do have some suggestions on the order of the questions.

We especially think that number 1 in the 10:00 slot should either be how the usage data can be compared with the spatial data (which was in the previous version of the agenda) or that the number 5 item (how to apply the usage data) should be moved to number 1. Also, the question on the robustness of the data will be covered I think in the first presentation – so we could move that question out and replace it with the how to compare the data question (as question number 1).

See edits.

I had a couple of other thoughts and questions.

Thanks for the chance to take a look.

Brian

Message

From: Sims, Diann [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7CA5706C9DA345C5AF43F0899CF3A8DF-DIANN SIMS]
Sent: 2/21/2018 9:21:07 PM
To: Ashfield, Patrice [patrice_ashfield@fws.gov]
CC: Paisley-Jones, Claire [Paisley-Jones.Claire@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Anderson, Brian [Anderson.Brian@epa.gov]
BCC: Suarez, Mark [Suarez.Mark@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Garber, Kristina [Garber.Kristina@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]
Subject: BEAD Response to FWS questions regarding usage data
Attachments: Diazinon state-crop example.xlsx; BEAD Response to FWS questions regarding usage data 02212018.docx

Hello Patrice,

Thank you for speaking with us earlier today. As agreed, I am sharing our informal response to your data usage questions. We are also providing an update to the example spreadsheet that we provided earlier this morning. I hope that you find the information helpful in preparing for your presentation. If you have additional questions, please do not hesitate to contact me.